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STATE OF MICHIGAN

2

THIRD JUDICIAL CIRCUIT COURT - WAYNE COUNTY

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THE PEOPLE OF THE STATE OF MICHIGAN,

5

6

vs.

Case No. 10-3521

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SAMUEL LEE DANTZLER,

9

Defendant.

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12

JURY TRIAL

13

BEFORE THE HONORABLE GREGORY D. BILL, CIRCUIT JUDGE

14

701 Frank Murphy Hall of Justice, 1441 St. Antoine,

15

Detroit, Michigan - December 20, 2010

16

APPEARANCES:

17

For the People:

MR. AUGUSTUS W. HUTTING P24839

MS. ANDREA LYNN HUTTING P68606

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For the Defendant:

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1 COMPUTER GENERATED INDEX AT THE END OF TRANSCRIPT

2 Detroit, Michigan

3 December 20, 2010

4 At or about 9:20 a.m.

5 (Court, Counsel and Defendants present.)

6 * * *

7 COURT CLERK: Calling docket 10-3521, People
8 versus Samuel Lee Dantzler, circuit court docket, jury
9 trial in progress.

10 MR. HUTTING: Auggie Hutting for the People.

11 MR. KINNEY: Robert Kinney appearing on behalf
12 of Mr. Dantzler. I had an opportunity to speak with Mr.
13 Dantzler over the weekend. Mr. Dantzler has indicated
14 that I should --

15 Mr. Dantzler, why don't you tell the Judge what
16 the issue is?

17 DEFENDANT DANTZLER: My issue is ever since I've
18 been locked up, I've been saying that I wanted this hat
19 tested by my -- you know, somebody for my side. And, you
20 know, we done get this far and the hat still hasn't been
21 tested for me because I'm just going by the word of the
22 prosecution that my DNA is inside this hat and also it
23 could be more people's inside this hat other than me. And
24 nobody said nothing about that. And I wanted this hat
25 tested for my -- on my behalf, and I think I'm getting

1 balled in.

2 THE COURT: Well, I've appointed an expert, I
3 tried to assist the defense wherever possible. Sometimes
4 there's trial strategy and the Court certainly doesn't get
5 involved in the trial strategy of either side. I sign
6 orders and try to assist both sides where I can. I do
7 know that there was a sample taken based on the testimony,
8 but it's up to the jury. I'll be giving an expert
9 instruction, they can give whatever weight they want to
10 any testimony of any witness; okay? And as to in terms of
11 a sample that was taken, the sample can have many results,
12 it could have the results of many people inside or it
13 could have the results of one person or, et cetera, so --

14 DEFENDANT DANTZLER: All I have -- I'm sorry.

15 THE COURT: I'll defer to Mr. Kinney and his
16 trial strategy on your behalf, Mr. Dantzler. He's very
17 seasoned, a very good person -- attorney and people take
18 as many samples as they're going to take, I guess, to
19 fulfill their responsibilities and their needs. So I
20 don't know what more I can say. We've heard from one or
21 two witnesses in that regard, and the case is far from
22 over at this point.

23 Anything else, Mr. Kinney, Mr. Dantzler, Mr.
24 Hutting?

25 MR. HUTTING: Not on behalf of the People.

1 MR. KINNEY: Not on behalf of Mr. Dantzler.

2 THE COURT: We'll deal with the issue again, Mr.
3 Kinney, at an appropriate time. It doesn't impact on the
4 next couple -- these jurors have been marched through the
5 door, ready to go. I allowed you both time to do whatever
6 you wanted to do. It's now 9:30.

7 MR. KINNEY: Ready to proceed.

8 THE COURT: If there's something you want to
9 bring to the Court's attention, I'll deal with it. Thank
10 you.

11 DEPUTY SHERIFF: All rise for the jury.

12 (At about 9:26 a.m., jury panel seated.)

13 DEPUTY SHERIFF: You may be seated.

14 THE COURT: Good morning.

15 JURY PANEL: Good morning.

16 THE COURT: We've been dealing with an issue or
17 two. May I have our deputies who are helping us today?
18 I'll have them introduce themselves to you.

19 DEPUTY SHERIFF: Officer Mark Driscoll.

20 DEPUTY SHERIFF: Corporal Martin Yount.

21 THE COURT: They both help me on occasion and we
22 appreciate them helping us.

23 DEPUTY SHERIFF: Thank you, Judge.

24 THE COURT: Are we ready to proceed?

25 MR. HUTTING: Yes, sir.

1 COURT CLERK: Raise your right hand.

2 Do you swear or affirm that the testimony you're
3 about to give in the matter now pending before this court
4 will be the truth, so help you, God?

5 WITNESS STINSON: Yes.

6 P.O. DEBORAH STINSON,
7 called as a witness at 9:27 a.m., having first been duly
8 sworn by the Clerk of the Court, was examined and
9 testified on her oath as follows:

10 COURT CLERK: You may be seated.

11 THE COURT: Good morning. Make yourself
12 comfortable, pull the microphone close to your mouth and
13 please speak loudly and clearly for the jury.

14

15 DIRECT EXAMINATION BY MR. HUTTING:

16 Q. Good morning.

17 A. Good morning.

18 Q. For the Record, we're going to need your name and, even
19 though it's obvious from your dress here in the courtroom,
20 we're going to need your place of employment?

21 A. My name is Officer Deborah Stinson. I work for the City
22 of Detroit as a police officer, crime scene investigation.

23 Q. Okay. Are you what's known as an evidence tech?

24 A. Yes.

25 Q. How long have you been an evidence tech for the City of

1 Detroit and its police department?

2 A. Thirteen years.

3 Q. Okay. Officer Stinson, I'd like to take you back then to
4 the year of 2006, is it a fair and true statement that you
5 were an evidence tech back then?

6 A. Yes.

7 Q. Okay. I'd like to take you back to the -- is it January
8 the 18th or January the 19th of 2006.

9 A. The actual day, I believe, is January the 16th.

10 Q. Okay. That's the date of the incident?

11 A. Yes.

12 Q. But did you have occasion -- Here's my question: Did you
13 have occasion to go to the location of 20415 West Seven
14 Mile, apartment number 302?

15 A. Yes, I did.

16 Q. What day did you go?

17 A. The date -- Well, the incident occurred on the 16th and I
18 believe it was two days later.

19 Q. So you went out there on the 18th?

20 A. Yes.

21 Q. Okay. Were you sent out there?

22 A. Yes, I was.

23 Q. Were you sent out there with a specific request in mind?

24 A. Yes.

25 Q. And what was the specific request that you were sent out

1 to do?

2 A. To photograph and to dust for prints.

3 Q. Okay. All right. What happens when you get out to the
4 location, to Apartment 302?

5 A. When I arrived out at the location, I met with -- I
6 believe it was Officer Knox at that time, and I was
7 directed to photograph the scene, and to dust for prints,
8 several items in the dwelling to be dusted.

9 Q. Okay. All right. What items did you dust inside
10 Apartment 302 for prints?

11 A. I dusted -- There was, I believe, like a boom box or
12 stereo system. I dusted that item for prints.

13 Q. Okay. All right. And where was that located inside the
14 apartment, if you recall?

15 A. I can't recall exactly. If I may refer to my report.

16 Q. Sure. Sure.

17 Okay. Do you remember where it was located or
18 do you know where it was located?

19 A. Yes, it was located on the floor which would be north of
20 the door, the far entrance door.

21 Q. Okay, all right. What were the results when you dusted
22 that item for prints?

23 A. I dusted positive for prints and those prints was turned
24 over to latent prints to be further determined whether
25 they would be positive or negative.

1 Q. How do you do this dusting?

2 A. We use latex powder. The powder is then -- the powder is
3 then placed on the item and dusted with the powder brush
4 and then we use what we call lifting tape, and that is
5 adhered to the print and we lift it and place it on a
6 lifter and then turns it over to latent prints.

7 Q. Okay. But you did get some positive results; is that
8 correct?

9 A. That is correct.

10 Q. Okay. Do you put that on any kind of evidence property
11 tag, the print lifts that you take?

12 A. Yes.

13 Q. What evidence property tag did you put these print lifts
14 on?

15 A. If I may refer to my report?

16 Q. Sure.

17 A. The fingerprint lift was placed on evidence tag 16229304.

18 Q. Okay. All right. Are you the person that determines the
19 quality of the prints?

20 A. No, I'm not.

21 Q. Okay. It's then sent to -- Where does it go first?

22 A. It goes to latent prints.

23 Q. Okay. All right. And then somebody there looks at that
24 print?

25 A. That's correct.

1 Q. And that's their job to testify or say anything about
2 that; is that correct?

3 A. That's correct.

4 Q. Okay. Thank you, Officer.

5 THE COURT: Mr. Kinney.

6 MR. KINNEY: May I?

7

8 CROSS EXAMINATION BY MR. KINNEY:

9 Q. Good morning, Officer Stinson.

10 A. Good morning.

11 Q. You went on the 18th. Were you there on the 16th at all?

12 A. No, sir. I was not there on the date the incident
13 occurred.

14 Q. Okay. On the day that you went and did -- you got them,
15 was the scene still secured by police officers?

16 A. When I arrived, there were police officers there, when I
17 arrived there.

18 Q. What I'm asking you was the scene secured by police
19 officers, where nobody had been able to come in and taint
20 any of the scene at all between the 16th and the 18th?

21 MR. HUTTING: Well, Judge, I'm going to object.
22 How would she know. That would be speculation.

23 MR. KINNEY: She's the officer. I don't know if
24 she's speculating or not.

25 THE COURT: Objection's overruled.

1 A. I don't have any knowledge whether or not the scene was
2 secured or not.

3 BY MR. KINNEY:

4 Q. Between the two days?

5 A. That's correct.

6 Q. And in your report, you have your report in your hand?

7 A. Yes, I do.

8 Q. On the very first page where it says information received,
9 it indicates upon arrival at the location, writer stood by
10 waiting for the occupants to collect evidence. Why would
11 you be waiting on occupant?

12 A. The -- When I arrived, I met with the homicide
13 investigating unit. From my understanding, I guess the
14 person that lives there or someone that had entrance, the
15 keys or whatever --

16 Q. So you couldn't get in unless the occupant came back and
17 let you in?

18 A. I met with homicide there, that's correct.

19 Q. Is it correct that you couldn't get in without the
20 occupant or not?

21 A. That's correct, yes.

22 Q. If you couldn't get in without the occupant, then the
23 scene must not have been secured by police officers?

24 A. Well, I don't know -- excuse me. Could you rephrase your
25 question?

1 Q. Okay. If I have to be let in --

2 A. That's correct.

3 Q. -- then that means that the officers weren't in control of
4 the scene, somebody else was. If officers have to be let
5 into the scene --

6 A. That's correct. Yes, that is correct.

7 Q. Okay. Thank you.

8 A. Yes.

9

10 RE-DIRECT EXAMINATION BY MR. HUTTING:

11 Q. Was somehow the door secured though that the occupant had
12 to let you and Officer Knox in to do your work or what do
13 you recall about that?

14 A. When I got there, they were already inside. They were
15 already there.

16 Q. They were already in?

17 A. Yes.

18 THE COURT: When you say they, who are you
19 referring to?

20 WITNESS STINSON: Homicide, the investigation.

21 BY MR. HUTTING:

22 Q. And when did the occupant arrive? Or was she there also
23 when you got there?

24 A. I believe she was already there with homicide.

25 Q. Okay. So the two of them were there and then you got

1 there and in you went?

2 A. That's correct.

3 Q. Okay.

4 THE COURT: Mr. Kinney?

5 MR. KINNEY: Nothing further, your Honor.

6 THE COURT: May the witness step down and be
7 excused?

8 MR. KINNEY: Yes, your Honor.

9 THE COURT: Thank you very much.

10 WITNESS STINSON: Okay, thank you.

11 (At about 9:35 a.m., witness excused.)

12 COURT CLERK: Raise your right hand. Do you
13 swear or affirm that the testimony you're about to give in
14 the matter now pending before this court will be the
15 truth, so help you, God?

16 WITNESS PRESTON: I do.

17 REBECCA PRESTON,
18 called as a witness at 9:36 a.m., having first been duly
19 sworn by the Clerk of the Court, was examined and
20 testified on her oath as follows:

21 COURT CLERK: You may be seated.

22 THE COURT: Good morning.

23 Have a seat. Make yourself comfortable. Pull
24 the microphone close to your mouth and speak loudly and
25 clearly for our jury.

1 WITNESS PRESTON: Thank you.

2 THE COURT: Thank you.

3

4 DIRECT EXAMINATION BY MR. HUTTING:

5 Q. For the Record, may I please have your name, your
6 occupation and what area of expertise you have within that
7 occupation?

8 A. My name is Rebecca Preston. I'm a DNA analyst at Bode
9 Technology.

10 Q. Okay. And where is Bode Technology located?

11 A. It's located in Lorton, Virginia.

12 Q. And for those of us that are kind of, you know, Michigan-
13 bound approximately where is that in Virginia?

14 A. It's about 30 miles south of Washington, D.C.

15 Q. How long have you been working for Bode Technology?

16 A. Since August of 2005.

17 Q. Okay. And does Bode Technology have contract with the
18 State of Michigan, specifically the Detroit Police
19 Department and the Michigan State Police, where work is
20 sent to you by these two organizations and Bode Technology
21 does the DNA work on items sent to them?

22 A. Yes, we do.

23 Q. Okay. And for approximately how long has Bode had that
24 contract?

25 A. To my knowledge, since at least 2007.

1 Q. Okay. All right. Now --

2 MR. KINNEY: I'm sorry, what contract?

3 MR. HUTTING: The contract to do their work.

4 BY MR. HUTTING:

5 Q. Is that correct? If it's sent to Bode?

6 A. Yes. We've been doing work on and off for them since
7 2007.

8 Q. Okay. All right. To the best of your knowledge?

9 MR. KINNEY: Can we approach the bench? I'm
10 sorry, but I didn't understand. Who's this contract with?
11 Wayne County prosecutors office?

12 MR. HUTTING: No, not with the prosecutors
13 office; it's with the Michigan State Police and it's also
14 with the Detroit Police Department.

15 MR. KINNEY: Thank you.

16 MR. HUTTING: Okay.

17 BY MR. HUTTING:

18 Q. Okay. How long have you personally been with Bode?

19 A. Since August of 2005.

20 Q. Okay. Now can you tell us a little bit about your, first
21 of all, education and training that qualifies you to be a
22 DNA analyst?

23 A. Yes, I have a Master's Degree in forensic science with a
24 concentration in forensic molecular biology from George
25 Washington University. I also have a Bachelor's Degree in

1 biology from Bellarmine University.

2 Q. Okay. Where did you begin your work after you obtained,
3 first of all, your Bachelor's Degree?

4 A. I -- All of my work in forensics has taken place at Bode
5 Technology. Like I said, I've been there since 2005.
6 I've gone through an extensive analyst training program.
7 This involved watching trained analysts perform all the
8 techniques we used in the laboratory, as well as reading
9 relevant scientific literature related to the forensics
10 field. I also had to perform tests that's on samples
11 similar to those that I would find in my work, including a
12 competency exam, and I also had to pass a verbal
13 competency exam.

14 Q. Okay. Did you work at Bode while you were obtaining your
15 Master's Degree in -- what is it again?

16 A. Forensic science.

17 Q. Did you work there at Bode while you were obtaining your
18 Master's Degree?

19 A. Yes, I was an intern for a year.

20 Q. Okay, all right. Tell us about your progression up the
21 ladder in Bode in the different jobs that you did as you
22 progressed to this DNA analyst job that you have now?

23 A. I started as an intern and worked in that position for a
24 year assisting in laboratory techniques. I then worked in
25 our data banking unit for about a year where I processed

1 known reference samples. I then moved over to our
2 casework division where I processed at first the known
3 reference samples that were submitted and then moved over
4 to process actual casework samples.

5 Q. Okay. And when did you actually start that work?

6 A. In 2008.

7 Q. Okay. Now do you participate in your work with any kind
8 of continuing education?

9 A. Yes, I attend a conference every year and I also
10 participate in quarterly journal readings.

11 Q. Okay. Do you belong to any professional organizations
12 within your field?

13 A. Yes, I'm a member of the American Academy of Forensic
14 Sciences.

15 Q. And can you tell us a little bit about that, what that
16 does?

17 A. Yes, it helps me to stay involved with what is going on in
18 the field of forensic sciences and I'm a member of the
19 criminalistic section.

20 Q. Okay. Are you familiar in your field with what is known
21 as proficiency testing?

22 A. Yes, proficiency testing is a quality assurance measure
23 used to monitor a lab's ability to perform forensic
24 testing.

25 THE COURT: Well, I'm going to interrupt the

1 witness and instruct her to only answer the question
2 that's being asked of her; okay?

3 A. Can you repeat the question?

4 BY MR. HUTTING:

5 Q. Are you familiar with proficiency testing? What is
6 proficiency testing?

7 THE COURT: Well, that's a different question.
8 The question has been compounded; now you've combined it.

9 MR. HUTTING: I kind of thought that was the
10 thrust.

11 BY MR. HUTTING:

12 Q. What is proficiency testing?

13 A. Proficiency testing is a quality assurance measure used to
14 monitor a lab's ability to perform forensic testing. We
15 are sent tests from an outside independent agency. They
16 submit the tests to Bode. I as an analyst process the
17 test as I would any other case that I was sent. I then
18 submit my results back to that outside independent agency
19 where they review my results to ensure that they are
20 correct.

21 Q. So even though once you obtain your level of degree that
22 you have as analysis, it's just not accepted; you have to
23 undergo this testing?

24 A. Yes.

25 Q. How often does this occur?

1 A. That occurs twice a year.

2 Q. Okay. How have you done on proficiency tests?

3 A. I've passed all of my proficiency tests.

4 Q. Okay. Can you give us some idea of the number of samples
5 that you analyzed for DNA and to do this DNA work that
6 you're going to testify about here today in the time that
7 you've been at Bode?

8 A. I've processed a few thousand samples.

9 Q. How many reports have you written like the report that
10 we're going to -- that you're going to testify about here
11 today?

12 A. At least a few hundred.

13 Q. Okay. Each time that you write a report like this and
14 submit it to an organization or to a police department or
15 prosecutors office do you have to come in to testify about
16 that report or are your reports accepted by those
17 organizations?

18 A. Sometimes we do go testify.

19 Q. Okay. But for the most part what happens?

20 A. For the most part, they're sent back to the organization.

21 Q. Okay. And then that report is accepted?

22 A. Yes.

23 Q. Okay.

24 MR. KINNEY: Judge, that report is accepted --
25 is it accepted by a jury or accepted by a police

1 department? I'm objecting to his accepted.

2 MR. HUTTING: Well, Judge, obviously if she
3 doesn't have to come to court to testify about the report
4 and the report is submitted, then obviously there was no
5 trial; okay?

6 MR. KINNEY: We don't know that. I don't know
7 its relevance in this particular case, that some report
8 was accepted in a case where somebody may have pled
9 guilty. That didn't happen here.

10 MR. HUTTING: Well, you know, Judge, if you
11 write several hundred reports and you only have to testify
12 seven or eight times -- which is going to be the next
13 question.

14 MR. KINNEY: All right. Is Mr. Hutting
15 testifying now?

16 MR. HUTTING: No.

17 THE COURT: All right. I'll give you some
18 latitude. Go ahead, Mr. Hutting. You want to lay more of
19 a foundation, go ahead.

20 BY MR. HUTTING:

21 Q. How many times have you testified concerning -- in a court
22 like today, before either a judge or a jury -- how many
23 times have you testified under oath concerning the reports
24 that you have written?

25 A. I have testified six times before.

1 Q. Okay. Have any of those been here in this state in the
2 State of Michigan?

3 A. No, five times they have been in the State of Florida and
4 once in the state of California.

5 Q. Okay. Whereabouts in Florida have you -- Were you
6 accepted as an expert down there?

7 A. Yes.

8 Q. Okay. All five times?

9 A. Yes.

10 Q. Or four times in Florida?

11 A. Well, five times.

12 Q. Five times in Florida. What places, what cities, have you
13 testified in, in Florida, your five times?

14 A. Once in West Palm Beach, Florida; once in Sarasota,
15 Florida; once in Jacksonville, Florida; and twice in
16 Bartow, Florida.

17 Q. So basically pretty much around the State of Florida?

18 A. Yes.

19 Q. Okay. Where was the time in California that you
20 testified?

21 A. That was in Long Beach, California.

22 Q. Okay. So at the time that you testified in California,
23 were your qualifications accepted as an expert to testify?

24 A. Yes, they were.

25 Q. Has there ever been an occasion, Ms. Preston, when you

1 have offered your qualifications to a court and they have
2 not been accepted?

3 A. No.

4 Q. Okay. This then would be your first time testifying here
5 in Michigan?

6 A. Yes, it is.

7 Q. Okay. All right. Did you also at my request submit to us
8 what's known as a curriculum vitae or CV?

9 A. Yes.

10 MR. HUTTING: Okay. If we could have the court
11 reporter mark this please?

12 MR. KINNEY: May we approach the bench, please?

13 THE COURT: Yes, you may.

14 (At about 9:47 a.m., brief sidebar;

15 At about 9:49 a.m., back on the record.)

16 PEOPLE'S EXHIBIT 31 MARKED

17 FOR IDENTIFICATION

18 BY MR. HUTTING:

19 Q. Let me show you what I've marked here, the court reporter
20 has marked, as People's proposed exhibit number 31. It's
21 a2-page document. Ms. Preston, can you identify People's
22 proposed exhibit number 31?

23 A. Yes, this is my CV.

24 MR. HUTTING: Okay. Your Honor, with that I'm
25 going to offer the witness to defense Counsel for voir

1 dire on her qualifications to testify here as an expert in
2 DNA.

3 THE COURT: And that's marked as exhibit 31?

4 MR. HUTTING: 31. And I'll offer that after --
5 I'll move for admission of that after Mr. Kinney completes
6 his voir dire.

7 THE COURT: Mr. Kinney.

8 MR. KINNEY: Thank you, your Honor.

9 THE COURT: You're welcome.

10

11 VOIR DIRE EXAMINATION BY MR. KINNEY:

12 Q. Good morning, Ms. Preston?

13 A. Yes.

14 Q. Okay. Do you work for anyone other than Bode Technology?

15 A. Not in the field of forensics, no.

16 Q. Okay. And you say that Bode Technology has a contract
17 with the Michigan State Police?

18 A. We have -- We do -- Yes, we have. I'm not sure if we're
19 currently doing contract work for them, but we have in the
20 past.

21 Q. And do you have a contract with the Detroit Police
22 Department to do their DNA work?

23 A. Myself? Do you mean our lab?

24 Q. Who you work for, yes?

25 A. We have in the past, yes.

1 Q. You don't have any private contracts with anyone to do DNA
2 work; do you?

3 A. Myself, as an individual?

4 Q. Yes.

5 A. No.

6 Q. Okay. Does Bode Technology have any contracts with any
7 defense organizations?

8 A. We have done work for defense organizations in the past,
9 yes.

10 Q. And what work have you done for criminal defenders in the
11 past?

12 A. I know that we've done work for the Innocence Project in
13 the past, as well as --

14 Q. I'm sorry?

15 A. Sorry.

16 Q. Do you have a contract with the Innocence Project now?

17 A. I'm not sure about currently but I know that we have done
18 work for them in the past.

19 Q. Do you know whether you have a contract with -- like the
20 Wayne County Bar Association, defense?

21 A. I'm not sure about that.

22 Q. Have you in your capacity as an employee of Bode worked
23 for the Wayne County Bar Association?

24 A. No.

25 Q. Have you in your capacity, your employment at Bode, worked

1 for the Fort Meyers Bar Association in Fort Meyers,
2 Florida?

3 A. No.

4 Q. Have you in your capacity at Bode went to any of the
5 training programs that the Michigan State Police have here
6 in the State of Michigan?

7 A. No.

8 Q. You know Bode has a conference every year; correct?

9 A. Yes.

10 Q. And you mentioned that you've been to the Bode conference?

11 A. Yes, I have.

12 Q. All right. So -- And you said you started working in 2005
13 for Bode?

14 A. Yes.

15 Q. In 2005, the Bode conference was in Duck Key, Florida; did
16 you attend that one?

17 A. No, not in 2005.

18 Q. In 2006, the Bode conference was in Captiva Island in
19 Florida; did you attend that one?

20 A. No.

21 Q. Do you know of an NIJ Grantees workshop out of Washington,
22 D.C.?

23 A. Yes.

24 Q. Did you attend that in the summer of '06?

25 A. No.

1 Q. They had -- What is the NIJ Grantees workshop?

2 A. The NIJ conference, the one that I attended, is put on by
3 the National Institute of Justice and various people
4 present in the topics of forensics, the forensics field.

5 Q. Okay. And you know they had one in the summer of 2008 in
6 Washington, D.C.; did you attend that one?

7 A. No, I did not.

8 Q. How many of them have you attended?

9 A. I attended the one in 2009.

10 Q. Okay. And that was in Washington, as well?

11 A. It was in Arlington, Virginia, yes.

12 Q. Okay. Have you ever testified before -- Well, you said
13 you never testified in Wayne County before?

14 A. No, I have not.

15 Q. You haven't testified for the Michigan State Police
16 before?

17 A. No. No, I have not.

18 Q. You haven't testified for the Wayne County prosecutors
19 office before?

20 A. No.

21 Q. And out of -- since 2005, that's like five years now,
22 you've worked for Bode?

23 A. Yes, it is.

24 Q. And your education started when you started at Bode, your
25 education when it comes to DNA, being a DNA expert?

1 A. I started graduate school in 2004.

2 Q. In 2004?

3 A. Yes.

4 Q. Okay. And where was that at?

5 A. The George Washington University.

6 Q. George Washington University. The continuing education
7 that you've had, the last one was the 7th Annual Advanced
8 DNA Technical Workshop in San Diego?

9 A. Yes.

10 Q. Was what a one-day event?

11 A. No, it was over the course of a few days.

12 Q. How many? A week?

13 A. Yes, there were different programs throughout the week.

14 Q. Okay. And this -- I'm looking at your curriculum vitae --
15 it says eight hours. Is that eight hours credit that you
16 got?

17 A. That was the -- We were required to attend a minimum of
18 eight hours. I attended various workshops throughout the
19 week. So it exceeded the eight hours.

20 Q. But on here, it has eight hours?

21 A. That is a typo on my part.

22 Q. On your part. But you -- it says eight hours, that means
23 you worked for eight hours? Your education was for eight
24 hours, but you're telling us it was more than eight hours?

25 A. Correct. We're required to attend a workshop for a

1 minimum of eight hours a year as part of our continuing
2 education.

3 Q. Can you tell us who requires that of you? Is that Bode
4 that requires it?

5 A. No, it's part of the FBI guidelines.

6 Q. FBI guidelines?

7 A. Yes, sir.

8 Q. Okay. And you did the same thing in 2009?

9 A. Yes. The one in 2009 was just a one-day workshop though.

10 Q. And it says nine hours. Is that a typo or --

11 A. No, that is correct.

12 Q. Okay. So there were work more workshops that you could
13 do, but you're just required to do one?

14 A. As part of the guidelines, we are required to do one and,
15 like I said, we do participate in other continuing
16 education such as reading journal articles.

17 Q. Continuing education by reading a journal? You mean an
18 article that somebody else wrote?

19 A. Correct.

20 Q. Okay. That's not on here though. It's not on your
21 curriculum vitae; right?

22 A. No, it is not.

23 Q. Basically what's on the Vitae is what you've done to reach
24 the minimum that's required in your field; correct?

25 A. Yes, it's the set of the guidelines.

1 MR. KINNEY: Okay. Nothing further.

2

3 DIRECT EXAMINATION BY MR. HUTTING (Continued):

4 Q. Did you also attend the conference of the American Academy
5 of Forensic Sciences in February of 2008?

6 A. Yes, I did.

7 Q. How long was that conference?

8 A. It was again over the course of a few days for 19 and a
9 half hours.

10 Q. So you got 19 and a half hours what we call continuing
11 education credit?

12 A. Yes.

13 Q. Okay. How about in 2007, did you attend a conference?

14 A. Yes, I did.

15 Q. What did you attend in 2007?

16 A. I again attended a DNA technical workshop in Captiva,
17 Florida.

18 Q. Okay. And how long was that and much credit did you get
19 for that?

20 A. That was 24 hours.

21 Q. So would it be a fair statement that each year from 2007
22 through 2010, you have attended conferences that meet or
23 exceed the continuing education requirements as required
24 by the FBI?

25 A. Yes.

1 Q. Okay. Do you have plans to attend one in 2011 or not?

2 A. Yes, I will.

3 Q. Do you know which one you're going to attend in 2011 or
4 have you not made your schedule that far in advance?

5 A. I haven't made my schedule yet.

6 Q. Okay. These journals, can you tell us about the journals
7 that you do, what the journals are.

8 A. It's from the Journal of Forensic Science. These are peer
9 reviewed articles that are related to recent trends in the
10 forensics field.

11 Q. Okay. Many of them involve DNA?

12 A. Yes.

13 Q. Okay. And you stay abreast in your field by reading those
14 articles?

15 A. Yes.

16 Q. Okay.

17 MR. HUTTING: I would offer the witness for --
18 Well, see if Mr. Kinney has any recross on my redirect.

19 MR. KINNEY: No, your Honor.

20 THE COURT: Go ahead, Mr. Hutting.

21 MR. HUTTING: Okay. I would then, your Honor,
22 respectfully ask that this witness be declared an expert
23 in the field of DNA testing and DNA forensics as a DNA
24 specialist.

25 THE COURT: Mr. Kinney?

1 MR. KINNEY: I'll leave that up to the Court.

2 THE COURT: Ma'am, when you've testified in the
3 other states how are you qualified?

4 WITNESS PRESTON: I've been qualified as a DNA
5 expert.

6 THE COURT: I'm going to qualify her as an
7 expert pursuant to Michigan rule of evidence 702 as an
8 expert in DNA testing and forensics and as a DNA analyst.

9 MR. HUTTING: Thank you, your Honor.

10 MR. KINNEY: Leave it to the Court.

11 BY MR. HUTTING:

12 Q. So how long has Bode Technology been around?

13 A. Since 1995.

14 Q. Okay. And by whom is Bode accredited?

15 A. We're accredited by both the American Society of Crime
16 Laboratory Directors, Laboratory Accreditation Board, as
17 well as Forensic Quality Services International.

18 Q. Okay. Does Bode have to undergo testing at their
19 laboratory? Do people come in and tour Bode's
20 laboratories and qualify them every year to continue the
21 work that they do?

22 A. Yes. We're only required to be evaluated every five years
23 to meet these accreditations, but due to other policies,
24 we are accredited every year.

25 Q. Okay. Can you describe some of the quality assurance

1 procedures used by Bode to insure reliable results of the
2 testing that's done by the analysts?

3 A. Yes, we use many quality assurance procedures on a daily
4 basis. Just to name a few, in order to access our
5 building, everyone has a special key card access; access
6 to our lab is limited to those who are actually doing the
7 testing; whenever we work in the laboratory, we wear
8 personal protective equipment that involves a lab coat,
9 goggles, gloves; all of the reagents that we use in our
10 lab go through quality control and quality assurance
11 procedures to insure their general quality; and like I
12 said, this is just a few of the procedures we use on a
13 daily basis.

14 Q. Okay. Now with that in mind can you tell us what is DNA?

15 A. DNA is the basic building block of life. Half of your DNA
16 comes from your mother and half of your DNA comes from
17 your father. It codes for things such as hair color and
18 eye color.

19 Q. Okay. Is DNA different between humans and how different
20 is DNA?

21 A. DNA is 99 percent the same in all humans. Only one
22 percent is different. And we, as forensic scientists,
23 test that one percent that is different.

24 Q. Okay. What is DNA typing and how is it used in forensic
25 casework?

1 A. DNA typing is the process by which we use molecular
2 biology techniques to extract the DNA from the other part
3 of the cell. We then make copies of specific portions of
4 the DNA in order to generate a genetic profile.

5 Q. So there's extraction and then copy; is that correct?

6 A. Correct.

7 Q. Those are the first two steps. Describe extraction just a
8 little bit more?

9 A. Extraction is DNA is just one part of the cells, so we use
10 chemicals and molecular biology techniques to actually
11 separate the DNA from the rest of the cells.

12 Q. Okay. And describe copy and why is copy done?

13 A. Copying allows us to look at the specific portions of the
14 DNA that we're testing in order to generate a DNA profile.

15 Q. Okay. And what kind of bodily fluids -- Let me ask you
16 that. What kind of bodily fluids leave DNA so that you
17 can do work?

18 A. DNA comes from any part of your body, from blood, saliva,
19 skin cells, anything like that can leave DNA behind.

20 Q. Okay, all right. Now in DNA how many different locations
21 get tested or how many different locations are there in
22 DNA?

23 A. For this case, we tested 13 different locations, as well
24 as a gender specific cite.

25 Q. Okay. So they're known as loci?

1 A. Yes.

2 Q. Okay. What are STRs, or short tandem repeats, and explain
3 that to the jury?

4 A. Short tandem repeats are -- they're just the number of
5 repeats that those specific locations. So when we're
6 generating the DNA profile, we're basically counting the
7 number of repeats that an individual has at each of those
8 13 locations.

9 Q. Okay. What is PCR?

10 A. PCR stands for preliminary chain reaction. It's the
11 process by which we're actually making copies of those
12 specific locations in order to determine the number of
13 repeats a person has.

14 Q. That's in that second step then?

15 A. Yes.

16 Q. Okay. Are there a third and then a fourth step in DNA in
17 the analysis that you do?

18 A. Once we make the copies of the DNA, we run it through a
19 machine in order to generate the data that we get which is
20 our DNA profile.

21 Q. Okay. And then what's the next step after you have the
22 profile?

23 A. Once we have the profile, then we'll analyze the data.

24 Q. Okay. And then ultimately issue your report?

25 A. Yes.

1 Q. Okay. Was PCR and STR used in this case that you're going
2 to testify about here today?

3 A. Yes, it was.

4 Q. Okay. All right. Now did you do some work shortly before
5 October the 19th of 2010 in this particular case?

6 A. Yes, I did.

7 Q. Okay. And did you do some work on a cutting from a hat
8 rim or did you have a profile from a cutting on a hat rim?

9 A. Yes.

10 Q. Okay. And did you also have a profile on the morgue blood
11 from a person by the name of Bernard Hill?

12 A. Yes.

13 Q. Okay. And in addition to that, were specific items also
14 submitted to you for additional work or was a specific
15 item submitted to you for additional work?

16 A. Yes.

17 Q. What specific item was submitted to you for additional
18 work?

19 A. I received a black knit hat.

20 Q. Okay, all right. I'm going to show you an item here.
21 It's People's exhibit number 22 for purposes of this
22 trial. It's in this envelope and it's been admitted as
23 evidence, and I'm going to ask you if you have ever seen
24 this envelope before and did some work on the item
25 contained within that envelope?

1 A. Yes, this is the black knit hat that I processed. It has
2 the corresponding evidence item number and my initials and
3 the date written on the envelope.

4 Q. Okay. So you got that hat and you processed that hat; is
5 that correct?

6 A. Yes.

7 Q. Okay. Now when you got that hat and you processed the
8 hat, had there been an initial cutting taken before you
9 did your work on that hat and did you -- did Bode have the
10 DNA profile generated by that initial cutting?

11 A. Yes, when I received the hat, the initial -- that cutting
12 had already been taken from it.

13 Q. Okay. Did you though at the request of our office take
14 any additional cuttings from that hat or were they taken
15 from this hat?

16 A. Yes, I processed three additional areas.

17 Q. Okay. And can those be seen here as you look at this hat?

18 A. Yes, if I can reference my notes as well.

19 Q. Sure.

20 A. I processed one area which is this part right here was the
21 first area I tested. I also scraped the interior of the
22 hat region using a razor blade to take the surface
23 material off. And then I also tested this exterior area
24 of the hat as well, right out here. I scraped along the
25 edge there as the third area that I tested.

1 Q. Okay. So you did three additional areas for DNA testing
2 along with the initial cutting that you had and the
3 initial profile that you had from the hat?

4 A. Yes.

5 Q. Okay all right. And did you also have buccal swabs from
6 two different individuals?

7 A. Yes.

8 Q. Tell us first of all what a buccal swab is?

9 A. A buccal swab is just a cotton swab that someone swabs the
10 interior of their mouth and it -- we use that to generate
11 known references. So we know who the reference is coming
12 from.

13 Q. Who did you have buccal swabs from that you did DNA
14 testing on?

15 A. If I can reference my notes.

16 Q. Sure.

17 A. We had referenced a buccal swab from Samuel Dantzler,
18 Senior, as well as Gerald Stewart.

19 Q. Okay. All right. So what did you do with the initial
20 cutting from the hat and the three additional cuttings
21 that you had?

22 A. The initial cutting from the hat, a DNA profile had
23 already been generated from that, so I looked at that
24 data. I also took the three additional areas and used the
25 techniques that I have previously discussed to extract the

1 DNA from the three additional areas that I tested, and
2 generated three different DNA profiles from those three
3 areas.

4 Q. Okay. Did you also test the buccal swabs that you had
5 from Samuel Dantzler, Senior and Gerald Stewart and
6 generate a DNA profile for each of those persons?

7 A. Yes.

8 Q. Okay. All right. What do you do then after you generate
9 this DNA profile?

10 A. Once the DNA profiles are generated, I look at the data to
11 ensure that there are good results.

12 Q. Okay. All right. And were you able to get -- Well, let's
13 talk about, first of all, the initial cutting and the DNA
14 profile that you had. Were the results good in your
15 estimation at all the different loci?

16 A. Yes, DNA profile was obtained from the initial cutting.
17 It was consistent with a mixture of two individuals and
18 including a major male contributor.

19 Q. Okay. How about the other three cuttings? What can you
20 tell us about the other three cuttings that you took from
21 the hat? What kind of profiles, if any, were developed
22 from those?

23 A. From the first area that I tested of the hat, a partial
24 DNA profile was obtained from that area that was
25 consistent with a mixture of at least two individuals

1 including a major male contributor. From the second area
2 of the hat that I tested, a DNA profile was obtained that
3 was consistent with a mixture of at least two individuals,
4 including at least one male contributor. And from the
5 third area, a partial DNA profile was obtained that was
6 consistent with a mixture of at least two individuals,
7 including at least one male contributor.

8 Q. What do you mean by a partial DNA profile as opposed to a
9 complete DNA profile?

10 A. Partial DNA profile is wording that we use when we aren't
11 able to get DNA results from all of the 13 locations that
12 we tested.

13 Q. Then a complete one would be when you're able to get
14 results from all 13?

15 A. Yes.

16 Q. Okay. All right. Now at the end then do you write a
17 report stating your ultimate conclusions?

18 A. Yes.

19 Q. Okay. Do you also develop and do during the course of
20 your work -- I guess the term that I would use is a graph.
21 Do you develop a graph or a diagram that people can look
22 at and hopefully with your help maybe understand it and
23 explain the diagram to us?

24 A. We generate what's called a table which basically has a
25 number of representation of that DNA profile that was

1 obtained from all the samples.

2 Q. Okay. All right. And are there like numbers used in this
3 table?

4 A. Yes, and that's -- the numbers represent the number of
5 repeats at each of the locations.

6 Q. Okay. All right. Did you do that in this particular
7 occasion, Ms. Preston?

8 A. Yes, I did.

9 Q. Okay. Let me show you -- I'm going to have the court
10 reporter mark as this item right here.

11 PEOPLE'S EXHIBIT 32 MARKED

12 FOR IDENTIFICATION

13 MR. HUTTING: The court reporter has reminded me
14 that I did not offer People's proposed number 31 which is
15 the CV of Ms. Preston and I would so offer it now.

16 MR. KINNEY: Wasn't there a correction that you
17 wanted to make. It's not correct? Is that --

18 MR. HUTTING: She said that there was one typo
19 and she said that that eight hours should be more on the
20 last conference that she attended.

21 MR. KINNEY: That's my point. Do we have an
22 exact number as to -- Do we want it to be correct?

23 BY MR. HUTTING:

24 Q. Do you remember what the exact number of hours was
25 approximately?

1 A. Approximately twenty hours.

2 MR. HUTTING: Twenty hours.

3 MR. KINNEY: I'll object as to approximately.

4 But no objection.

5 THE COURT: Okay. Offered and received.

6 MR. HUTTING: Thank you.

7 PEOPLE'S EXHIBIT 31 ADMITTED

8 INTO EVIDENCE

9 BY MR. HUTTING:

10 Q. What is People's proposed exhibit number 32, please?

11 A. This is the table that I generated of the DNA profiles.

12 Q. Okay. Is it a fair and accurate representation of the
13 work that you did and the profiles that you generated that
14 you turned into this table?

15 A. Yes.

16 MR. HUTTING: Okay. Move to admit People's
17 proposed exhibit number 32?

18 MR. KINNEY: No objection.

19 THE COURT: Offered and received.

20 PEOPLE'S EXHIBIT 32 ADMITTED

21 INTO EVIDENCE

22 MR. HUTTING: And, Judge, what I have to assist
23 the Court and the jury is I have copies of this profile
24 and so that the jury can have their own copy as Ms.
25 Preston testifies about it and make whatever findings they

1 want to.

2 THE COURT: And you want to tender a copy to the
3 defense as well.

4 MR. HUTTING: Mr. Kinney also has a copy. He
5 has a copy of it because it's included in her report but I
6 will tender him a copy to show what it is that I'm giving
7 to the jury.

8 THE COURT: Okay. He's acknowledged receipt as
9 well. That's fine. Go ahead. Thank you, Mr. Hutting.

10 MR. HUTTING: Okay. All right. May I
11 distribute copies of People's 32 to them?

12 THE COURT: And to the Court.

13 MR. HUTTING: And to the Court. First to the
14 Court. It's one page for everybody.

15 BY MR. HUTTING:

16 Q. All right. I see that as we move across the top of
17 People's 32, going from left to right, there are some
18 numbers up here or identifying -- What do you call this,
19 let me ask you that, that I just pointed to?

20 A. This is an evidence item number, so the E01 just
21 represents that it was an evidence item number.

22 Q. All right. So E01a1 represents what?

23 A. It represents the initial cutting that was taken from the
24 hat.

25 Q. Okay. And that was the DNA profile that was developed

1 from the initial cutting on the hat?

2 A. Yes.

3 Q. Okay. All right. So let's do the words initial cutting
4 up here, above it.

5 Okay. Let's go with the next column. What does
6 this represent?

7 A. The E01 major components represent the major profile that
8 was obtained from the original cutting so it -- I look at
9 the data and see and analyze to determine what DNA was
10 there at the largest amount and we're able to generate --
11 determine the major component profile of the profile of
12 the individual that contributed most to that profile.

13 Q. So if I labeled it major component from initial cutting
14 would that be correct?

15 A. Yes.

16 Q. Okay. The third column is what, even though it may speak
17 for itself? Tell us about that.

18 A. This is the reference profile that was obtained from the
19 sample submitted from Bernard Hill.

20 Q. Okay. And so that would be Bernard Hill's DNA profile?

21 A. Yes, his known profile.

22 Q. Okay. The fourth column, where it has the bottom terms
23 E11a1, what does that stand for, please?

24 A. This is the profile that I obtained from the first area of
25 the hat that I tested.

1 Q. Okay. So that would be Bode cut number one DNA profile?

2 A. Yes.

3 Q. Okay. The next column which would be the column from the
4 left -- one, two, three, four, the fifth column down, what
5 would that be?

6 A. That again is looking at the area one that I tested
7 determining the major contributor to that profile.

8 Q. Okay. From Bode cut number one?

9 A. Yes.

10 Q. So if I labeled it major contributor from Bode cut number
11 one would that be accurate?

12 A. Yes.

13 Q. Okay. Let's go now, Ms. Preston, to the sixth column
14 down, moving from left to right, that is labeled E11a2.
15 What is that, please?

16 A. That's the second area that I tested on the hat, the DNA
17 profile that was obtained from that area.

18 Q. Okay. So if I labeled it Bode cut number two DNA profile
19 would that be correct?

20 A. Yes.

21 Q. Okay. Let's go to the seventh column that is labeled
22 E11a3?

23 A. That's the DNA profile obtained from the third area that I
24 tested of the hat.

25 Q. Okay. So I should label it -- Would I be correct if I

1 labeled that Bode cut number three, DNA profile?

2 A. Yes.

3 Q. Okay. We are now over to the eighth column, moving left
4 to right. What is that?

5 A. That's the DNA profile that was obtained from the buccal
6 swab from Samuel Dantzler, Senior.

7 Q. So that would be the known DNA profile of Samuel Dantzler,
8 Senior?

9 A. Yes.

10 Q. Okay. And finally the last or the eighth column, over on
11 the far right, what is that?

12 A. That's the DNA profile that was obtained from the buccal
13 swab from Gerald Stewart.

14 Q. So if I labeled it known DNA profile from Gerald Stewart
15 would that be a correct nomenclature?

16 A. Yes.

17 Q. Okay. Now we've got them at least all labeled. Let me
18 ask you this: I notice with the known profile from the
19 initial cutting of hat, you broke out a major component
20 and I notice also with the Bode cut number one that you
21 did, you broke out a major component; is that correct?

22 A. Yes.

23 Q. Okay. When we get over to cuts two and three, though,
24 there is no major component chart. Can you tell us why
25 you did not do that?

1 A. When I look at the data, I determine if I am able to tell
2 based on the data that I'm evaluating if certain -- at
3 each location, if the DNA is there in greater amounts or
4 if it's -- we are unable to tell if one area of DNA higher
5 than the other and it's for those other cuttings, I wasn't
6 able to pull out the major contributor at each of those
7 locations.

8 Q. So sometimes the results that you get with one cut are
9 weaker or stronger than results you get with another cut?

10 A. Someone -- An individual's DNA maybe they're at varying
11 amounts.

12 Q. Okay. All right. So if it's there in a very weak form
13 and you can't break out or have a major component chart
14 like you did for the initial cutting and your first
15 cutting; is that correct?

16 A. We're not able to determine if one person's DNA is there
17 more than another person's.

18 Q. Okay. All right. We're going to come back to the chart
19 in a minute. I'm going to have you explain it.

20 But let me ask you this: When you did the
21 initial comparison, when you took the initial cutting of
22 the hat, okay, I want to know -- and compared it against
23 all the things that you compared it against -- I want to
24 know what was your ultimate conclusion about the initial
25 cutting of the hat? What ultimate conclusions did you

1 draw on the initial cutting of the hat?

2 A. Again I concluded that it was consistent with a mixture of
3 at least two individuals including a major male
4 contributor and then the major male component's DNA
5 profile deduced from the initial cutting of the hat
6 matched the DNA profile obtained from Samuel Dantzler,
7 Senior.

8 Q. Did it match it in all 13 loci?

9 A. Yes, it did.

10 Q. So on every loci that you tested, based on that initial
11 cutting that you had and the DNA profile that you had,
12 when you analyzed the buccal swab of Samuel Dantzler,
13 Senior, there was a match on all 13 loci; is that correct?

14 A. Yes.

15 Q. Okay. Were you ultimately able to quantify that in terms
16 of population and can you explain that, please?

17 A. So I then performed statistics on the evidence item. We
18 perform statistics on the evidence items themselves to
19 determine the probability of that DNA profile occurring in
20 the population so it's the probability that the DNA
21 profile I obtained from evidence item one, if we were to
22 draw someone at random from the general population would
23 occur.

24 Q. Okay. What statistics did you come up with?

25 A. The probability of randomly selecting an unrelated

1 individual with this DNA profile at 13 of the 13 blocks I
2 tested is one in 90 quadrillion in the U.S. Caucasian
3 population, one in two quadrillion in the U.S. African
4 American population, and one in 20 quadrillion in the U.S.
5 Hispanic population.

6 Q. Okay. One in two quadrillion in the U.S. African American
7 population, how many people are there in the world?

8 A. There's six billion people in the world.

9 Q. Is quadrillion more than six billion?

10 A. Yes.

11 Q. So the likelihood would extend to far more than people
12 than we have in the whole world?

13 A. Yes. And again that's just if you were to randomly select
14 someone.

15 Q. Okay. Of another person having the same DNA profile?

16 A. Yes.

17 Q. How many zeros is quadrillion do you know?

18 A. Quadrillion is fifteen zeros.

19 Q. Okay. All right. Now did you draw any other conclusion
20 about the initial DNA cutting and any other sample
21 submitted to you?

22 A. Yes, the DNA profile, the individual associated with the
23 DNA profile obtained from Gerald Stewart was excluded as a
24 possible contributor to the mixture DNA profile that was
25 obtained.

1 Q. So one type of result is you can reach conclusions that
2 say, like you did -- like you've just testified to, that
3 it's Sam Dantzler's DNA on all 13 loci; right?

4 A. Correct.

5 Q. Okay. Is another conclusion that you can say that it's
6 not somebody's DNA?

7 A. We can conclude that their DNA is not present, so they did
8 not contribute to that profile.

9 Q. So they get excluded?

10 A. Yes.

11 Q. And Gerald Stewart is excluded?

12 A. Yes.

13 Q. Okay. Are there also other conclusions that you can draw
14 like not excluded or included? Can you explain those?

15 A. If someone -- We can also, depending on the DNA profile
16 that is obtained, someone may be included, they may be
17 excluded or we may not be able to determine due to the
18 quality if someone is there or not.

19 Q. Okay. All right. Let's go, if we can, to new cut number
20 one, which would be, moving over here, four, would be the
21 fourth column, DNA new cut number one; okay?

22 What ultimate conclusions did you reach about
23 DNA new cut number one?

24 A. Again it was a mixture of at least two individuals
25 including a major male contributor and the individual

1 associated with the reference sample from Bernard Hill
2 could not be excluded as a possible contributor to the
3 major component DNA profile obtained from that cutting.

4 Q. You couldn't exclude Bernard Hill from the DNA cut number
5 one?

6 A. Correct.

7 Q. Did you find Bernard Hill's at any of these loci?

8 A. He was consistent at certain locations, therefore he could
9 not be excluded.

10 Q. Okay. Did you reach any conclusions concerning that DNA
11 profile and Bernard Hill?

12 A. Since he could not be excluded, again I'm doing statistics
13 on the evidence item that was received, so for the first
14 area that I tested, I pulled out the major component
15 profile and I'm determining the probability of randomly
16 selecting someone in the general population with that
17 profile.

18 So for Ellal, major component, I'm determining
19 the probability of picking someone at random with that
20 profile, and the probability of randomly selecting someone
21 is one in 23 million in the U.S. Caucasian population, one
22 in 2.1 million in the U.S. African American population,
23 and one in 20 million in the U.S. Hispanic population.

24 Q. How many locations of the 13 did you have DNA consistent
25 with or that matched Bernard Hill's DNA profile?

1 A. Again we're -- I'm looking first at the evidence item, so
2 I'm determining which of the locations are usable, where
3 there's enough information to actually determine that all
4 of the DNA is there. So I'm looking at that information
5 first before I make any comparisons. So there were nine
6 areas that were looked at and he was consistent at all of
7 those nine areas.

8 Q. So in nine areas that you looked at in that new cutting,
9 they all matched Bernard Hill's DNA profile that you have
10 there; is that correct?

11 A. They were consistent.

12 Q. Consistent with. Okay, all right. In new cutting number
13 one did you reach any conclusions, if at all, about the
14 DNA profile of Samuel Dantzler in new cutting number one?

15 A. Due to the limited data obtained, the individual
16 associated with R12, Samuel Dantzler, Senior, could not be
17 included or excluded as a possible contributor to the
18 minor profile that was obtained from that sample.

19 Q. So there was a minor profile and you can't exclude Mr.
20 Dantzler of that minor profile?

21 A. There was not enough information on the minor levels that
22 were obtained to determine if he could be included or
23 excluded.

24 Q. So you can't include or exclude him in that?

25 A. Correct.

1 Q. Okay. What about Gerald Stewart? Did you reach any
2 conclusions about him on DNA cut number one?

3 A. The individual associated with the sample obtained from
4 Gerald Stewart was excluded as a possible contributor to
5 the mixture profile obtained.

6 Q. Okay. Let's go to new cut number two which would be the
7 sixth column over here, the one labeled E11a2; is that
8 correct?

9 A. Yes.

10 Q. Okay. What were the ultimate conclusions that you reached
11 concerning new cut number two?

12 A. The DNA profile obtained from that cutting was consistent
13 with a mixture of at least two individuals including at
14 least one male contributory.

15 Q. Okay. And what conclusions do you reach about that?

16 A. That the individuals associated with the samples from
17 Bernard Hill and Samuel Dantzler, Senior cannot be
18 excluded as possible contributors to the DNA profile
19 obtained from that sample.

20 Q. So you can't exclude Mr. Dantzler from that sample either?

21 A. No.

22 Q. Okay. Or the decedent in this case, Bernard Hill?

23 A. Yes.

24 Q. Did you reach some statistical analysis about that?

25 A. Yes. Again looking at the evidence item itself, since

1 it's a mixture profile and I was not able to pull out a
2 major component, I'm determining the number of individuals
3 in the population that could be included as possible
4 contributors. So if you were to select someone at random
5 what is the possibility that they could have contributed
6 to that mixture profile that was obtained? And the
7 probability of that is one in 26 million in the U.S.
8 Caucasian population, one in one million in the U.S.
9 African American population, and one in 8.3 million in the
10 U.S. Hispanic population.

11 Q. Okay. And finally let's talk about DNA cut number three,
12 which I believe is going to be seventh column over here.

13 What conclusions do you reach about DNA, if any,
14 about DNA cut number three?

15 A. The partial DNA profile obtained from the third cutting is
16 consistent with a mixture of at least two individuals
17 including at least one male contributor.

18 Q. Okay. And do you reach any conclusions about any of the
19 DNA profiles submitted to you on that?

20 A. Yes, due to the fact that it was a partial profile and
21 only limited data was obtained, the individuals associated
22 with Bernard Hill, Samuel Dantzler, Senior and Gerald
23 Stewart could not be included or excluded as possible
24 contributors to the mixture profile obtained from that
25 sample.

1 Q. Okay, all right. Now let's talk about this table. Let's
2 go back to --

3 THE COURT: Well, why don't we talk about it
4 after I give the jury their morning break here?

5 MR. HUTTING: Sure. Absolutely.

6 DEPUTY SHERIFF: All rise for the jury.

7 THE COURT: The witness may step down. Thank
8 you.

9 Jurors, this will be your morning break. Go to
10 the bathroom, get a drink of water. I'll see you in a few
11 minutes. Don't discuss the case.

12 (At about 10:44 a.m., jury panel excused.)

13 THE COURT: May I see the lawyers briefly?

14 MR. HUTTING: Sure.

15 (At about 10:44 a.m., brief recess;

16 At about 12:02 p.m., back on the record.)

17 DEPUTY SHERIFF: You may be seated.

18 COURT CLERK: Recalling docket 10-3521, People
19 versus Samuel Lee Dantzler, jury trial in progress.

20 MR. HUTTING: Auggie Hutting for the People.
21 We're ready.

22 MR. KINNEY: Robert Kinney appearing on behalf
23 of Mr. Dantzler.

24 Your Honor, I did convey Mr. Hutting's offer to
25 Mr. Dantzler and again he wants to continue to go to

1 trial; is that correct, Mr. Dantzler?

2 DEFENDANT DANTZLER: Yes.

3 THE COURT: All right, thank you.

4 Ready for the jury?

5 MR. HUTTING: Yes, sir.

6 MR. KINNEY: Yes, sir.

7 DEPUTY SHERIFF: All rise for the jury.

8 (At about 12:04 p.m., jury panel seated.)

9 DEPUTY SHERIFF: You may be seated.

10 MR. HUTTING: Thank you, your Honor.

11 BY MR. HUTTING:

12 Q. Ms. Preston, when we broke earlier this morning, I was
13 kind of just getting ready to turn our attention here to
14 the board so you could explain these numbers a little bit
15 more. But is there anything else that you wish to add or
16 state before we actually turn to doing the chart here that
17 you have?

18 A. These numbers are representations of the number of repeats
19 at each location. So if you look down the right-hand
20 side, those are the locations that we tested, the 13
21 different locations, and the amelogenin is the gender
22 specific site. So when you see, for example, a fifteen,
23 that's the number of repeats at one of those locations, so
24 that's basically what those numbers mean.

25 Q. Okay. And when you ultimately draw your conclusions do

1 you use this chart that you developed as you look at all
2 those numbers and what all do you use when you ultimately
3 draw the conclusions that you've stated here?

4 A. This chart is just a representation of the actual data.
5 So I look at the actual data when making the comparisons
6 to choose whether to include or exclude someone. It's
7 based on actual data that I have, not just the chart here
8 that is represented.

9 Q. Okay. All right. Let's start here. We have -- Let's
10 take this first one. I call it, for lack of a better
11 term, D3S. And in that chart, in that box, under the
12 initial cutting, we have three numbers: 15, a comma, 16,
13 a comma, and then a parentheses with a 17 in it. Can you
14 explain what the parentheses around 17 means?

15 A. The parentheses around the 17 means that when I look again
16 at my data, it's at a lower level so it's a minor
17 component of the actual data that is generated at that
18 specific location.

19 Q. Within the major component that's repeated, 15 and 16 are
20 the 15th and the 16th; is that correct?

21 A. Yes.

22 Q. Which is why they end up in the major component chart then
23 in the second column; is that correct?

24 A. Yes. Again I'm looking at the actual data itself, not
25 just the information that's on that chart.

1 Q. Okay. All right. But then we go over to Samuel Dantzler,
2 Senior's DNA profile that you have developed here, on each
3 of the different 13 locations; is that correct?

4 A. Yes.

5 Q. Okay. And on D3S what do we have there?

6 A. He has also a 15 and 16.

7 Q. So that matches the major component; is that correct?

8 A. Yes.

9 Q. Okay. When we go to Gerald Stewart, what was the major
10 component of Gerald Stewart on his DNA profile that you
11 developed at that location, D3S?

12 A. He is an 18, 19.

13 Q. Okay. So that's different from 15, 16; is that correct?

14 A. Yes.

15 Q. Okay. Does that then go towards, or ultimately eliminate,
16 or was that one of the things that you said eliminated
17 Gerald Stewart from being a contributor to the major
18 component on the original cut?

19 A. Yes.

20 Q. Okay. All right. The next loci is vWA, as I call it.
21 You broke out the major component of 14, 19; is that
22 correct?

23 A. Yes.

24 Q. Okay. When you go over to Sam Dantzler, Senior, what do
25 you have?

1 A. He is a 14, 19 as well.

2 Q. Okay. All right. If we go all the way down this chart,
3 FGA all the way to CSF1PO, using the major component and
4 then comparing it to the DNA profile that you have of Sam
5 Dantzler, Senior, what are we going to find?

6 A. They match at all of the 13 locations tested.

7 Q. So all 13 of the locations, which is the number of
8 locations that you test, the numbers match; is that
9 correct?

10 A. Yes.

11 Q. And for you to say that it's -- what conclusion did you
12 draw ultimately?

13 A. In order to say that within a reasonable degree of
14 scientific certainty they matched, our statistics have to
15 be over a certain level. So again I'm performing
16 statistics on the evidence sample itself, on the E11 -- or
17 the E01a1, I'm performing statistics on that. So when I
18 get the numbers that I was able to calculate and they're
19 above 300 billion, that's when we use the statement that
20 within a reasonable degree of scientific certainty it is
21 that person.

22 Q. It matches on all 13 loci?

23 A. Yes.

24 Q. Okay. Which is why you made the statement about Sam
25 Dantzler, Senior.

1 A. Yes.

2 Q. Okay. Let's see if we can find another one where, okay,
3 where you can show why you eliminated Mr. Steward again.

4 Okay. Down here at D21, do you see D21?

5 A. Yes.

6 Q. Okay. The major component for D21 is 29, 29; is that
7 correct?

8 A. Yes.

9 Q. Okay. When you go over to Gerald Stewart, what do you
10 find?

11 A. He is a 30, 30.

12 Q. 30, 30. So again both totally different numbers, goes to
13 eliminate him; is that correct?

14 A. Correct. And again I'm not just looking at this, I'm
15 looking at actual raw data that's in front of me.

16 Q. Okay. All right. Now what can you say about Bernard Hill
17 and the major component on the initial cutting?

18 A. I didn't make any conclusions about that.

19 Q. You did not?

20 A. No.

21 Q. Okay. All right. That was done by another analyst?

22 A. Yes.

23 Q. Okay. All right. We'll have her tell us about that.

24 Okay. Let's go to cutting where -- new cut
25 number one. New cut number one; all right? Let's talk

1 about new cut number one and Bernard -- the numbers that
2 we have for Bernard Hill.

3 What do you ultimately say about Bode new cut
4 number one and the DNA profile that you have for Bernard
5 Hill?

6 A. Again I looked at the data itself and was able to pull out
7 a major contributor which is the Ellal major contributor
8 and then I looked and compared that to Mr. Hill and
9 they -- he could not be excluded as a possible
10 contributor.

11 Q. Okay.

12 A. And again I'm performing statistics on the evidence
13 sample, not on the reference sample. So the reason why he
14 is consistent with, but we're not -- I'm not using words
15 like within a reasonable degree of scientific certainty is
16 because the probability of that DNA profile that was
17 obtained from the Ellal is one in 23 million in the U.S.
18 Caucasian population and then one in 2.1 million in the
19 U.S. African American population, and one in 20 million in
20 the U.S. Hispanic population.

21 Q. So if we went around and picked out people randomly, we
22 had two million African American people in this big room,
23 one of them would have that same profile? Is that it?

24 A. If we were to draw at random, that is what we would
25 expect.

1 Q. Okay. All right. But here, compared to Bernard Hill on
2 the chart, on the first loci, he matches, 16, 17?

3 A. Yes, which is why he's not excluded.

4 Q. Okay. On the second loci, he also matches, 16, 17?

5 A. Yes.

6 Q. Okay. On the third loci, Bernard Hill's chart says 22,
7 24, which is major component FGA, there's 22, with a
8 comma, and then what's that blank mean?

9 A. The dashes basically mean that again I'm looking at my raw
10 data when I'm making that determination, so there's
11 additional -- we have a certain threshold that we evaluate
12 information at and so, if there's things below that
13 threshold, we use the dashes to represent that.

14 Q. So you couldn't make a call on that second number then?

15 A. Yes.

16 Q. Okay. The X, Y, is the sex chromosome.

17 A. Yes.

18 Q. Means it's a male?

19 A. Yes.

20 Q. Okay. And we go down to the next one on D8, Mr. Hill is a
21 13, 14?

22 A. Yes.

23 Q. Okay. And the major component is a 13, 14?

24 A. Yes.

25 Q. We go to D21S, major component is 29, 29. Mr. Hill is a

1 29. And then you couldn't get enough to make a second
2 call?

3 A. Yes. Again looking at my actual data, there was stuff
4 below the level that we evaluate at, so I could only have
5 the 29 there.

6 Q. On the next one which is D5S -- or excuse me, D18S on the
7 major component, you got no results?

8 A. Yes. When we tested the evidence, I omit that specific
9 location due to the level of DNA that was there, we
10 weren't able to make copies of the DNA at that specific
11 location.

12 Q. When we go to the next one which is D5S, Mr. Hill is a 12,
13 12.

14 A. Yes.

15 Q. And over here on the major component, it's a 12, 12?

16 A. Yes.

17 Q. The next two sites, D13 and D7S, no results; right?

18 A. Yes.

19 Q. Okay. When you go down to the loci at D16S, Mr. Hill is a
20 9 -- 9, 12. And you got the nine, but on the second one,
21 you weren't able to make a call?

22 A. Yes. Again there was information below the level that we
23 evaluate at.

24 Q. Okay. On the one, major component is 7, 8. And Bernard
25 Hill is a 7, 9; is that right?

1 A. The reason why I chose to -- at that level, we only have
2 the seven represented as a major is because again I'm
3 looking at the data itself and the level that that nine is
4 at. And so we weren't able to say if it was from the
5 major contributor or minor contributor, but we were able
6 to determine -- I was able to determine that the 7 came
7 from the major component.

8 Q. Okay. All right. That's correct.

9 Okay. So Bernard Hill, cell one is 7, 9 and
10 then over here, it's -- and then on the major component,
11 you got a 7, but you couldn't come up with a second one?

12 A. Yes.

13 Q. On this one, TPOX, as I call it, Bernard Hill is a 9, 9
14 and then when you go over to the major component, it's a
15 9, 9?

16 A. Yes.

17 Q. Okay. And then on the last one, CSF1PO, no results?

18 A. Yes.

19 Q. Okay. All right. Now did you also in your work on this
20 case, issue a report back in June of 2010, concerning some
21 work that you did on swabs and DNA -- swabs and DNA
22 profiles submitted to you concerning blood stains and from
23 golf club shafts, swabs on a grip of two golf clubs, and a
24 comparison also against the known DNA profiles of a person
25 by the name of Michael Dantzler and another person by the

1 name of Samuel Lamare Dantzler?

2 A. Yes, I did.

3 Q. Okay. All right. And did you get an item that you
4 describe as a blood stain from shaft that you designated
5 as number two or parentheses two?

6 A. Yes.

7 Q. Okay. All right. What actually did you get and then tell
8 me what you did with that?

9 A. For all of these items, we were -- the blood stain and the
10 swabs from the shaft were previously cut when they were
11 submitted to us, so they're in labeled tubes with the
12 swabs actually in there.

13 I didn't process the item evidence themselves.
14 They were submitted to us, per Michigan State Police.

15 And then I took those samples, compared the
16 numbers to ensure I had the proper labeling on each of the
17 tubes and then started with the extraction steps.

18 Q. So you actually didn't get the full shaft; what you got
19 was the cut from the golf club?

20 A. Correct. The blood stain as they called it.

21 Q. Okay, the blood stain. And you got a blood stain cut from
22 shaft two. You did the extraction there?

23 A. Yes.

24 Q. Okay. And what result did you come up with when you did
25 that on that blood stain?

1 A. The DNA profile obtained from the blood stain from the
2 shaft was consistent with a male contributor and it was a
3 partial profile.

4 Q. Okay. And were you ultimately able to reach any
5 conclusions about the people -- about the known DNA
6 samples of the people that you compared them against?

7 A. The individual associated with Bernard Hill could not be
8 excluded as a contributor, to the partial profile obtained
9 from that sample.

10 Q. Okay. Were you able to exclude people?

11 A. And the individuals associated with the samples obtained
12 from Patrick Grunewald, Omarrow Dantzler, Michael
13 Dantzler, and Samuel Lamare Dantzler were all excluded as
14 part -- as contributors to the partial DNA profile
15 obtained from that sample.

16 Q. Okay. All right. Now that's Samuel Lamare Dantzler, not
17 Samuel Dantzler, Senior; is that correct?

18 A. Correct. I did not make any comparisons between Samuel
19 Dantzler, Senior and this item.

20 Q. Okay. Let's go to blood stain from a grip on shaft.

21 MR. KINNEY: For the Record, your Honor, I don't
22 want anybody to be confused. This is Samuel Dantzler,
23 Senior.

24 MR. HUTTING: Right.

25 BY MR. HUTTING:

1 Q. Let's go to a blood stain from the grip on shaft number
2 two?

3 A. The DNA profile obtained from that sample matched the DNA
4 profile obtained from Bernard Hill.

5 Q. Okay. And what can you say about the blood stain from the
6 grip on shaft two in terms of that match?

7 A. Again, I performed statistics based on the evidence item
8 itself that was received, so I obtained the DNA profile
9 that was consistent with a male contributor from the blood
10 stain of the grip on the shaft and performed statistics on
11 that evidence item and the probability of randomly
12 selecting an unrelated individual with that DNA profile at
13 the 13 core loci is one in 58 quadrillion in the U.S.
14 Caucasian population, one in 1.9 quadrillion in the U.S.
15 African American population, one in 2.3 quintillion in the
16 U.S. Southwest Hispanic population, and one in 52
17 quadrillion in the U.S. Southeast Hispanic population.

18 And again, looking at those numbers and their
19 values since they were so high, therefore within a
20 reasonable degree of scientific certainty, Bernard Hill
21 was the source of that DNA profile obtained from that
22 evidence item.

23 Q. Which is a blood stain?

24 A. Yes.

25 Q. Okay. Did you also get swabs of a grip on a shaft labeled

1 number two or the DNA cutting from that?

2 A. Yes.

3 Q. And what were your conclusions about that?

4 A. No DNA profile was obtained from that sample.

5 Q. Okay. Did you also get swabs of a grip on a shaft that
6 was labeled number one?

7 A. Yes.

8 Q. Okay. And what were your conclusions about that?

9 A. The partial DNA profile obtained from that sample was
10 consistent with a mixture of at least two individuals,
11 including at least one male contributor.

12 Q. Okay. And are you able to tell us any more about the
13 people that you compared it against?

14 A. Again this was a low level sample, there wasn't much DNA
15 in the sample. So due to the possibility of dropout, the
16 individuals associated with Patrick Grunewald, Bernard
17 Hill, Omarrow Dantzler, Michael Dantzler and Samuel Lamare
18 Dantzler could not be included or excluded as possible
19 contributors to that mixture.

20 Q. Okay. Can people when they grip a golf club with their
21 hands leave, you know, DNA samples on that golf club?

22 A. Yes.

23 Q. Okay. It's a question of can you find it when you do or
24 is there something on the particular cut that's submitted
25 to you?

1 A. Yes.

2 Q. Okay. All right. Did also Bode receive a buccal swab
3 from a person named Omarrow Dantzler?

4 A. From Omarrow Dantzler, yes.

5 Q. Okay. And was he eliminated as a contributor to the major
6 component on the hat or the major -- the initial cutting
7 from the hat?

8 A. That was done by another analyst as well.

9 Q. Okay. And did that eliminate Hill?

10 A. I don't have that report in front of me.

11 MR. HUTTING: Fine. Nothing further. Submit
12 for cross.

13 THE COURT: Want to approach, gentlemen.

14 (At about 12:29 p.m., brief sidebar.)

15 THE COURT: Ladies and gentlemen, I'm putting
16 the case back on track now.

17 The witness may step down.

18 Go to lunch. Don't discuss the case. Wear your
19 badges. I'll see you at 1:40. It's now 12:32; okay?
20 1:40.

21 DEPUTY SHERIFF: All rise for the jury, please.

22 (At about 12:29 p.m., jury panel excused.)

23 THE COURT: Ladies and gentlemen, I have a
24 doctor's appointment today. I've seen five doctors in
25 five days and I'm going to have to leave about 3:30 today

1 or so, 3:20 or 3:30, so that's why I'm abbreviating the
2 lunch hour just a little bit; okay? Thank you.

3 Have a good lunch, everyone.

4 (At about 12:31 p.m., lunch recess;

5 At about 1:50 p.m., back on the record.)

6 COURT CLERK: Recalling docket 10-3521, People
7 versus Samuel Lee Dantzler, jury trial in progress.

8 MR. KINNEY: Robert Kinney appearing on behalf
9 of Mr. Dantzler.

10 And as the Court knows, part of my cross
11 examination was going to be in terms of how much Bode was
12 being paid for this particular case. Neither of those two
13 witnesses know what the contract was or what any overage
14 was that was paid by the Wayne County prosecutors office
15 or how much the contract was.

16 THE COURT: Mr. Hutting, do you know?

17 MR. HUTTING: I have no idea. I mean they do
18 their work and get paid for whatever it is. In terms of
19 what we did, I thought we paid about 35 hundred dollars,
20 somewhere between 35 and 39 hundred dollars.

21 THE COURT: Do you have a contract?

22 MR. HUTTING: I don't have -- No, I just got a
23 bill that was all.

24 MR. KINNEY: Well, whatever that bill is, I
25 think --

1 MR. HUTTING: I don't have the bill. I turned
2 it in. I do have it some place, but I don't know where it
3 is. I turned it in to be paid a while back. Just a
4 second here.

5 THE COURT: Can a call be made?

6 MR. KINNEY: Right now the regular court-
7 appointed fees for experts is two hundred for evaluations,
8 a hundred and fifty for testimony in court, unless we are
9 permitted extraordinary fees. Maybe we can, you know, at
10 a later date make a stipulation with respect to that, but
11 those are the reasons why --

12 THE COURT: You have Co-Counsel, Mr. Hutting, is
13 your office able to locate something for Mr. Kinney? Or
14 make a call? Or call Bode or whoever is involved?
15 Perhaps your witnesses can provide a name and phone
16 number.

17 Is there any other assistance you're seeking
18 from the Court, Mr. Kinney?

19 MR. KINNEY: No, your Honor. It seems to think
20 it can be done. I'm just --

21 THE COURT: Well, I'm ready to bring the jury
22 in. We'll deal with this as we can. Mr. Hutting will
23 have his office look into this immediately.

24 MR. HUTTING: What does he want? All I have is
25 the last bill when we did the three extra cuts; okay?

1 THE COURT: What are you seeking, Mr. Kinney?

2 MR. KINNEY: Definitely I'm seeking that. But
3 she mentioned that there's a contract with Bode. And I
4 want to know what that contract is.

5 MR. HUTTING: That's with the Michigan State
6 Police and the Detroit Police Department. I don't have
7 copies of that. They contracted with them a long time
8 ago. Bode gets their fees, whatever their fees are.

9 THE COURT: That's what he wants to know.

10 MR. HUTTING: He'll have to ask them. I don't
11 know what those are. We don't pay those. That's all paid
12 under a grant; okay? Wayne County prosecutors office
13 doesn't pay that fee.

14 THE COURT: Mr. Hutting?

15 MR. HUTTING: Yes, sir.

16 THE COURT: I'm sorry, with all due respect, you
17 remind me of the end product manufacturers in some of my
18 litigation when I'd go in and seek information that they
19 had, or had access to, and were under a duty to turn
20 over --

21 MR. HUTTING: I'm not under a duty to turn that
22 over.

23 THE COURT: And their response would be, Judge,
24 if you want it, look in the warehouses. It's here. And
25 there'd be stacks of files all the way to the ceiling.

1 When the judge intervened, guess what? Here it is. One
2 file. Here it is. You're entitled to it.

3 MR. HUTTING: I'm not under any duty to turn
4 that over. This is the first -- Oh, this is the bill.

5 THE COURT: Thank you. All he's seeking is what
6 the compensation is.

7 MR. HUTTING: The compensation for the three
8 extra cuts was 3,00020 -- to do the analysis of that was
9 \$3,972.75.

10 THE COURT: Is that what they were -- these
11 witnesses were paid and the compensation?

12 MR. HUTTING: That's what Bode was paid to do,
13 to do three extra cuts and to do this analysis here, okay,
14 that Rebecca Preston has testified to on these major
15 components. That cost \$3,972.75. What the other work
16 cost, I have no idea. Okay. I have no idea.

17 THE COURT: I'm ordering you to do everything in
18 your power with your associates upstairs to ascertain what
19 the contract value was and to break that down in terms of
20 what they received in terms of compensation; okay? I
21 think the defense is entitled to that.

22 MR. HUTTING: Well, yeah, but they should have
23 asked for this a long time ago. They knew Bode was going
24 to testify. But in the middle of a trial when the witness
25 is up on the witness stand to say, well, we want this,

1 okay, we want this.

2 THE COURT: Is there a discovery order, Mr.
3 Kinney.

4 MR. HUTTING: No, he doesn't.

5 MR. KINNEY: We -- I never had to have a
6 discovery order with Mr. Hutting and we've had several
7 trials together with respect to this. I just asked him if
8 we had everything. I was told I could ask. I asked him.
9 They don't know. So this is a situation here where the
10 witness testifying doesn't know the information that we're
11 seeking.

12 MR. HUTTING: Because she's a worker. She's
13 like me, she's a worker.

14 THE COURT: Perhaps the witness, if she's asked,
15 can provide amplification so this information can be
16 procured.

17 MR. KINNEY: Thank you, your Honor.

18 THE COURT: Mr. Hutting, will you turn over what
19 you do have in this regard for Mr. Kinney?

20 MR. HUTTING: If we want to make a copy of this
21 bill, this is the only copy that I have.

22 THE COURT: Thank you.

23 MR. HUTTING: I'd be more than happy to give him
24 a copy of that bill.

25 THE COURT: Thank you.

1 MR. HUTTING: You know, the witness has to be
2 flown out here; okay? There's, you know, the flight and
3 all of that stuff.

4 THE COURT: Sure. No, I understand.

5 MR. HUTTING: And that all has to be paid; okay?
6 I mean this is an expensive trial.

7 THE COURT: Mr. Kinney, ask Mr. Hutting
8 specifically what you're asking. He seems to be more than
9 cooperative to answer any inquiries that you have.

10 MR. KINNEY: That's what I was asking for.

11 THE COURT: We want to bring this jury back in
12 and they're doing a lot of waiting.

13 MR. HUTTING: But the reason why Bode was
14 contracted in the first place is because if we'd have left
15 it with the Detroit Police Department or the Michigan
16 State Police, we'd probably still be waiting, because of
17 the back log. We'd still be waiting for these reports
18 because of their back log.

19 THE COURT: And the trial was delayed because of
20 the time it would take for the DNA; correct?

21 MR. HUTTING: For the new cut, to do the three
22 new cuts, yes.

23 THE COURT: And the requests of the People were
24 all granted in terms of seeking additional time so that
25 they could have this processed; correct?

1 MR. HUTTING: Right.

2 THE COURT: For the benefit of both sides.

3 MR. HUTTING: Right.

4 THE COURT: All right. Thank you, Mr. Hutting.

5 MR. HUTTING: Now do you want the other amounts?

6 MR. KINNEY: Yes.

7 THE COURT: If it's -- if it's feasible, Mr.

8 Hutting.

9 MR. HUTTING: How is that relevant?

10 THE COURT: I understand. I understand what
11 you're saying.

12 MR. HUTTING: But, see, how is that relevant
13 when --

14 THE COURT: Why don't we deal with that later?
15 Try to do what you can do to get the information. Maybe
16 it's not even available. If it is, then we can deal with
17 that later. Let's finish up with this witness and bring
18 the jury back in; okay?

19 MR. KINNEY: I'm ready.

20 DEPUTY SHERIFF: Ladies and gentlemen, please
21 take your seats.

22 DEPUTY SHERIFF: All rise for the jury.

23 (At about 1:59 p.m., jury panel seated.)

24 DEPUTY SHERIFF: You may be seated.

25 THE COURT: Good afternoon, ladies and

1 gentlemen.

2 JURY PANEL: Good afternoon.

3 THE COURT: Ladies and gentlemen, there were
4 some other issues that arose that we had to deal with
5 before I invited you in. Had I known we'd be confronted
6 with these issues, I would have said take a little longer
7 lunch, have dessert, and come at two o'clock. So
8 hopefully we're ready to proceed.

9 You remain under oath. Thank you.

10 WITNESS PRESTON: Thank you.

11

12 CROSS EXAMINATION BY MR. KINNEY:

13 Q. Good afternoon, Ms. Preston.

14 A. Good afternoon.

15 Q. I just want to make it clear. Your -- what you call E01a1
16 is a cutting that Bode Technology did not make; am I
17 correct?

18 A. Correct, it was sent to us.

19 Q. Okay. And that means did you know that some other testing
20 had already been done on it?

21 A. Prior to it's arrival at Bode?

22 Q. Yes.

23 A. No, I did not know.

24 Q. All right. Would that have made a difference?

25 A. No.

1 MR. HUTTING: Well, I'm going to object. There
2 was no other testing done on it before it was sent to
3 Bode. It was cut and it was sent to Bode ultimately.
4 That assumes facts that are not in evidence.

5 THE COURT: Response, Mr. Kinney?

6 MR. KINNEY: I thought that Mr. Steary testified
7 that he -- Is he the one that made the cut?

8 MR. HUTTING: He made the cut. He made the cut,
9 prepared the stuff with the DNA, and it was put in a tube
10 and then ultimately that tube was sent to Bode.

11 MR. KINNEY: I'm referring to what I thought the
12 testimony was and I don't want to argue the facts of the
13 case right now but --

14 MR. HUTTING: But I'm going to object to that.
15 It assume facts that are not in evidence, that other
16 testing was done on that. It was not, only the initial
17 cut.

18 THE COURT: Want to ask another question, Mr.
19 Kinney?

20 MR. KINNEY: Thank you.

21 THE COURT: Go ahead.

22 BY MR. KINNEY:

23 Q. If it had been more testing done on any part of this hat
24 would it have affected what you did?

25 A. No.

1 Q. Okay. Thank you. You mentioned that you all have a
2 contract with DPD, Detroit Police Department?

3 A. I know that at one time we did have a contract with them.

4 Q. So you don't know if you have a contract with them now or
5 not?

6 A. I know that we're currently still doing work for the
7 Michigan State Police.

8 Q. That was going to be the next question. So you have a
9 contract with the Michigan State Police right now?

10 A. Yes, we are currently doing work for them.

11 Q. And is that how Bode Technology is being paid for the work
12 that you're doing on this case?

13 A. I'm not sure the breakdown of who paid for what, what's
14 the case. Most times I'm given the work to do. I don't
15 do anything with the contract we're given or anything like
16 that.

17 Q. Okay. You work for Bode Technology?

18 A. Yes.

19 Q. And you get a salary?

20 A. Yes.

21 Q. Okay. And are you paid hourly or salary?

22 A. I'm paid a salary.

23 Q. Okay. And that -- How did you get here? Was it by
24 Greyhound or airplane?

25 A. I flew here this morning.

1 Q. Okay. And Bode Technology paid for that?

2 A. Yes, they did.

3 Q. Okay. And you don't know if they were reimbursed for the
4 plane flights or not by the County?

5 A. They were not for this contract. I know that Bode pays
6 for our travel.

7 Q. Okay. In talking -- In terms of the hat itself, I
8 understood that Mr. Hutting kept saying cuttings on this
9 hat. You kept saying scrapings on this hat. To me
10 there's a difference in cutting and scraping. Were there
11 any more cuts made on this had?

12 A. No, I scraped the three areas that I tested. It's just we
13 have different sampling techniques that we use when
14 looking at an evidence item that may be worn. Since
15 there's not a visible stain, I scraped it using a razor
16 blade to take the surface area off, where we've seen in
17 the past that if someone's worn an item, they may have
18 left DNA around a certain area. So if we scrape the top
19 level in looking for wearer DNA. That's typically how we
20 sample.

21 Q. Okay. So you did not take a cutting at all?

22 A. No, I used a razor blade to scrape the top layer.

23 Q. Okay. In Bode one and Bode two, you see where it says
24 D18S? The copy says locus, of your chart?

25 A. Yes.

1 Q. The D18S51, where it says Bode one, it says no result?

2 A. For the E11? I'm sorry, I'm not --

3 Q. E11a1, yes.

4 A. Yes.

5 Q. Yes, I thought we wrote Bode one on top of there?

6 A. Okay, yes, Bode --

7 Q. That makes it easier for me. E11a1?

8 A. Okay.

9 Q. What does the no result mean?

10 A. Basically what that means is that at that specific
11 location, we were unable to generate a DNA profile at that
12 specific location. So we were unable to make copies of
13 that location.

14 Q. And that's location within a DNA --

15 A. Yes.

16 Q. -- sample?

17 A. Yes.

18 Q. It's not that location of the hat?

19 A. Correct.

20 Q. Okay. It's just location of the DNA sample, you couldn't
21 find any results?

22 A. Yes.

23 Q. And that's the same thing for when it comes to major
24 component of E11a1 would be the same thing, no result;
25 right?

1 A. Yes.

2 Q. And then E11a3 which is -- that would be Bode's third
3 sample?

4 A. Yes.

5 Q. It still says no results?

6 A. Yes.

7 Q. And you have no results several times there. Is that
8 on -- I'm saying different loci, but is that locus?

9 A. Yes.

10 Q. Is that the same thing?

11 A. Yes.

12 Q. Okay. So with that many no results -- you have one, two,
13 three, four, five, six, seven no results and 13
14 possibilities?

15 A. For the E11 --

16 Q. -- a3?

17 A. Yes. Yes.

18 Q. And what does that tell you?

19 A. For this specific sample, we begin looking at my data, and
20 the quantity of DNA that I obtained, we also quantify the
21 DNA in our processing in order to see how much that is
22 there. When we go to make copies of it, we look to see
23 how much is there, so we know how much to target. When I
24 looked at the quantity of DNA, there was not much there.
25 So that just tells me that there's not a lot of DNA there,

1 so that's why we were unable to make copies at that
2 specific location.

3 Q. Okay. So this third scraping that you did, there's -- out
4 of 13 different locations in the DNA itself, seven of
5 them, there's no results?

6 A. Yes.

7 Q. And in terms of saying whose DNA in that third location on
8 the hat, you're saying that Mr. Dantzler cannot be
9 included or excluded?

10 A. Correct.

11 Q. Is that really saying anything? You can't be included,
12 you can't be excluded. That's just -- Isn't that like I
13 don't know?

14 A. That's saying there's not enough information there to make
15 a decision whether at that specific area he was there or
16 not there.

17 Q. And it's the same thing for Mr. Hill? You don't know?

18 A. Not at that area that we tested.

19 Q. So on that third area -- you know, I'm not trying to call
20 it hat. Remember the sketch that I showed you; do you
21 still have that?

22 A. Yes.

23 Q. I called it hat three. But you're still saying that Mr.
24 Dantzler Mr. Hill, there's not very much you can tell us
25 about that particular part of your testing?

1 A. No, just because there was not enough DNA there.

2 Q. But there's DNA there?

3 A. Yes.

4 Q. Okay. Can you specifically tell us that nobody else's DNA
5 is in that hat?

6 A. No.

7 Q. At the time that you were testing can you tell us that no
8 one else's DNA is in that hat?

9 A. No.

10 Q. At the time that you were testing that hat, I know that as
11 a biologist, you know, when you see blood, you know what
12 blood is?

13 A. Yes.

14 Q. But there's certain tests that you probably would have to
15 do to determine whether there was any blood in the hat?

16 A. Yes.

17 Q. Did you by chance do any testing to determine whether the
18 DNA that you were taking a look at was a derivative of
19 someone's blood?

20 A. No, we didn't do any serology testing.

21 Q. Okay. So I mean did you know that this was testing with
22 regards to a murder case?

23 A. Yes, through the paperwork that was submitted.

24 Q. You knew that?

25 A. Yes.

1 Q. Did you know that -- Well, and there was no indication
2 that we should know whether or not there was any blood in
3 the hat?

4 A. No, I was asked to test the hat for wearer DNA.

5 Q. Okay. For the second Bode test -- no, I'm sorry, the
6 third Bode test here, you have a parentheses around the Y,
7 known as the X, Y chromosome?

8 A. Yes.

9 Q. And you have parentheses around the Y. What does the
10 parentheses mean?

11 A. For this specific sample, since it's so low level, it just
12 means that we, when looking at the different numbers
13 basically at each of the locations, if they're not
14 balanced to a certain ratio, like their strength is not
15 equal, then we put a parentheses around it.

16 Q. Okay. You're still certain that the DNA that you were
17 looking at was male as opposed to female?

18 A. Again my notes say there's at least one male there. We
19 can't determine, based on the limited data obtained, the
20 ratio, if there's -- there's at least one male there.
21 There's more than one contributor.

22 Q. Now tell me if I'm saying the same thing: That means that
23 at least on that particular scraping, some of that DNA
24 could have been from a female?

25 A. We cannot determine that.

1 Q. You cannot determine that there was -- you know that
2 there's at least one male?

3 A. Yes.

4 Q. Correct?

5 A. Yes.

6 Q. And you don't know whether or not there was a female?

7 A. Yes.

8 Q. Am I correct?

9 A. Correct.

10 Q. Okay. So not only are -- could there be some DNA that
11 belongs to Bernard Hill, and some DNA that belongs to
12 Samuel Dantzler, but there's some DNA there that could
13 belong to a female?

14 MR. HUTTING: Objection, assume facts not in
15 evidence. That calls for speculation.

16 THE COURT: Response?

17 MR. KINNEY: I'm asking her the results of her
18 test. And I don't think that calls for speculation.
19 She's an expert, testifying about what DNA was left in
20 this hat.

21 THE COURT: Go ahead.

22 BY MR. KINNEY:

23 Q. Am I correct? There could be some DNA there that belongs
24 to a female?

25 A. There could, due to the -- We could not determine. There

1 was not enough information at that area.

2 Q. So that means there could?

3 A. There could.

4 MR. HUTTING: See, and that's speculation. If
5 there wasn't enough, then the rest is speculation.

6 MR. KINNEY: It's not speculation if she's
7 testifying about the results of her test. That's not
8 speculation.

9 THE COURT: Well, she's qualified as an expert
10 and she can give an opinion.

11 MR. KINNEY: Yes.

12 BY MR. KINNEY:

13 Q. And that is your opinion; right?

14 A. That there's not enough information there?

15 Q. To say --

16 A. To say that there's not a female?

17 Q. Yes.

18 A. No, there's not enough information because there's not
19 enough DNA there.

20 Q. Okay. So to use your terminology, we're not excluding
21 females from this DNA sample?

22 A. I would have to have a specific profile.

23 Q. You would have to have a specific profile to exclude
24 someone?

25 A. Yes.

1 Q. Okay. So -- And everybody has a profile?

2 A. Yes.

3 Q. So to exclude everybody, you would have to have
4 everybody's profile; is that what you're saying?

5 A. Yes, in order to exclude someone, I would need their DNA
6 profile.

7 Q. Okay. So you cannot take this hat and tell us whose DNA
8 has been on that hat? You can't tell us that? You can't
9 take this hat here and determine for us whose DNA is
10 actually in the hat? If everybody's DNA is in this hat,
11 you can't do that?

12 A. Do you have a blanket -- Can you rephrase the question?

13 Q. The testing is to determine whose DNA you have in the
14 sample that you took; correct?

15 A. Yes.

16 Q. And the sample is from this hat; correct?

17 A. We tested different areas of the hat, yes.

18 Q. Does that mean the sample is from the hat or it's not from
19 the hat?

20 A. Yes, that is what it means.

21 Q. Okay. Well, now in doing that, can you tell us that
22 there's nobody else's DNA in the hat, except for the DNA
23 samples that you took? There no other samples in this
24 hat?

25 MR. HUTTING: Well, Judge, I'm going to object.

1 The only thing that she can tell us is what the results of
2 each of the samples showed or didn't show. She can't say
3 what's in the other portions of the hat. She can only
4 tell us what the results of the samples that she took say
5 or don't say.

6 MR. KINNEY: I think that if that's the case,
7 that testimony should come from Ms. Preston. If that's
8 the case, then Ms. Preston can testify to it.

9 THE COURT: No, I agree. She's been qualified
10 as an expert. If she can answer the question, she can
11 answer it. If she cannot, she should indicate so.

12 WITNESS PRESTON: Yes.

13 THE COURT: Ms. Preston, I need you to answer
14 truthfully and completely any and all questions asked by
15 the lawyers for either side; okay?

16 WITNESS PRESTON: Okay.

17 THE COURT: Thank you very much. If you don't
18 understand a question, have him rephrase it, repeat it,
19 whatever's necessary; okay?

20 WITNESS PRESTON: Yes.

21 THE COURT: Thank you very much.

22 BY MR. KINNEY:

23 Q. You cannot tell us that no one else's DNA is in this hat?

24 A. I can only testify as to the areas that we tested whose
25 DNA is there.

1 Q. So that we won't be confused by your answer, can you
2 answer my question yes or no?

3 MR. HUTTING: Argumentative. Argumentative.
4 Objection.

5 THE COURT: Overruled. Go ahead.

6 BY MR. KINNEY:

7 Q. Yes or no? Can you --

8 A. Can you repeat it? I'm sorry, I'm trying to understand.

9 Q. Okay. Can you tell us that no one else's DNA is in this
10 hat?

11 A. No, I can only testify to the areas that I tested.

12 Q. Okay. Can you tell us who had control of this hat last?

13 A. No. I can only say, comparing the profiles and the areas
14 that I tested.

15 Q. Can you tell us when Mr. Hill's DNA was placed in this
16 hat?

17 A. No.

18 Q. Can you tell us when Mr. Dantzler's DNA was placed in this
19 hat?

20 A. No, I can't determine the time.

21 Q. Can your testing -- Is there -- Does DNA over time
22 dissipate or, you know, can it be erased from -- I want to
23 qualify this. Can it be erased from evidence? You know,
24 it has been confiscated by an evidence technician, placed
25 in a -- because this was in 2006 when this incident

1 occurred -- so an evidence technician took this hat in
2 2006, placed it on evidence. Just sitting there, being
3 placed on evidence, could the DNA for some reason escape?

4 A. If the evidence is properly stored, we would expect to get
5 the same results.

6 Q. No matter how long it takes? Whether, you know, this is
7 2006, this is 2010, it's at least four years ago?

8 A. In that amount of time, I would expect for it to still, if
9 properly stored, we would still be able to get good
10 results.

11 Q. All right. What about fingernail clippings? Is it
12 possible to get a good DNA sample from a fingernail
13 clipping?

14 A. Yes, depending on what you were looking for. If --

15 Q. Looking for DNA?

16 A. Yes, then -- From one individual? Their own DNA?

17 Q. Not only their own DNA, but if they were struggling with
18 another individual and something got under those
19 fingernails, scuffling with another individual, like blood
20 or skin or sweat, could you get the DNA out of it?

21 A. Depending on when DNA is transferred, sometimes a lot is
22 left, sometimes not a lot is left. It's hard to
23 determine. Given the scenario, some may be left, yes, we
24 could get results. If there was no DNA there, then we
25 would not be able to get results.

1 Q. Okay. Well, that's in every case?

2 A. Yes.

3 Q. In every case, if the DNA is there, you can get results;
4 if the DNA is not there, you cannot get results? Correct?

5 A. Correct.

6 Q. Okay. And if it's properly stored could you expect it to
7 last the same way that you say it would last in the hat?

8 A. If there is DNA there, then yes.

9 Q. So if you got samples from fingernails if it's properly
10 stored, four years, five years later, you can still test
11 that hat and be -- I mean test those fingernails and be
12 confident in what you find?

13 A. If there was DNA there, yes, to begin with, then we would
14 expect to.

15 Q. Okay. Do you see any of the bills or any contracts from
16 Bode Technology with anyone? Are you -- Do you share --
17 Well, first of all, take a look at that for me and see if
18 you recognize that and can identify it in some way, as
19 something that you know about?

20 A. Yes, this is an invoice from our company.

21 Q. You do know about that?

22 A. Yes.

23 Q. Okay. And describe for us what it is?

24 A. This is an invoice for the work I did on the cuttings or
25 the testing of the hat.

1 Q. And how much was that?

2 A. It was for \$3,972.75.

3 Q. Okay. So that's what Bode Technology was paid just for
4 the three cuttings; correct? Your analysis on the three
5 cuttings, Ellal, a2 and a3?

6 A. This is for, as well, the two reference samples. That
7 includes not only my work, but also all the chemicals and
8 reagents and everything else that was done in the
9 processing.

10 Q. All right. And that is over and above whatever contract
11 Bode has with Michigan State Police and the Detroit Police
12 Department?

13 A. Yes, this was sent to us separately.

14 MR. KINNEY: Okay. I would ask to have this
15 marked. I think this would be Defense's B?

16 DEFENDANT'S EXHIBIT B MARKED
17 FOR IDENTIFICATION

18 MR. KINNEY: At this time, I'd move for
19 admission of Defense B.

20 MR. HUTTING: No objection.

21 THE COURT: Offered and received.

22 MR. KINNEY: Thank you.

23 DEFENDANT'S EXHIBIT B ADMITTED
24 INTO EVIDENCE

25 BY MR. KINNEY:

1 Q. This is the bill for your work?

2 A. It's for the work that was done, not on the entire case,
3 but just for anything that's labeled E11 as well as R12
4 and R13.

5 Q. Okay. R12 and R13 are the samples from Mr. Dantzler and
6 Mr. Stewart; correct?

7 A. Yes.

8 Q. Okay. You also had something from Mr. Hill; correct?

9 A. Correct.

10 Q. Don't you have a sample from Mr. Hill?

11 A. That was processed previously in 2007, yes.

12 Q. Okay. And the -- So you were working on -- So Bode has
13 been working on this case since 2007?

14 A. Yes, we have.

15 Q. And you received the blood sample from Mr. Hill in 2007?

16 A. Yes, it was received too, but not me individually, but
17 yes.

18 Q. When I say you, I mean who you work for?

19 A. Yes.

20 Q. Your professional level?

21 A. Yes.

22 Q. And so you all had done some testing with regards to the
23 blood in 2007?

24 A. Yes.

25 Q. This is another copy of that chart that I showed you. I

1 know that you had some qualifications to it; am I correct?

2 A. Yes.

3 Q. Okay. And those qualifications have to deal with, I
4 think, I may not be saying it exactly the way you say it,
5 but to a scientific -- a reasonable scientific certainty
6 is that how you --

7 A. Yes.

8 Q. Okay. So in terms of -- you know, mainly, what I'm trying
9 to get is who was excluded and who wasn't excluded on that
10 chart? Is there something in terms of who was excluded
11 and who wasn't excluded that you disagree with on that
12 chart?

13 A. Not in terms of who could be excluded, maybe in the way
14 that it's phrased, then yes.

15 Q. Okay. But this is -- Were you clear -- Okay. Let's start
16 with --

17 MR. HUTTING: You know, Judge, if we're going to
18 talk about this chart in front of the jury, then I think
19 it needs to get -- needs to get identified, it needs to
20 get admitted into evidence.

21 THE COURT: Mr. Kinney.

22 MR. HUTTING: If we're going to admit it into
23 evidence and he wants to talk about it in front of the
24 jury, I say let's make copies of it and give it to the
25 jurors so they can see it and follow along with it instead

1 of trying to imagine it in their minds.

2 THE COURT: Mr. Kinney, response?

3 MR. KINNEY: Does that mean there's no
4 objections to -- you have no objections to it being
5 admitted?

6 MR. HUTTING: What I'm saying is you have to lay
7 the proper foundation to see once that foundation is laid
8 properly, you know, what you have there. I mean you guys
9 made this up. She didn't make it up; okay? So --

10 MR. KINNEY: May we approach the bench for a
11 second?

12 THE COURT: No, this is going to stay on the
13 record for this argument.

14 MR. HUTTING: If you get the foundation properly
15 laid, then I'm not going to object to it being admitted
16 and talked about in front of the jury. But right now, I
17 don't think that that's been done. You just brought this
18 up out of -- You brought this up and I don't think the
19 proper foundation has been laid.

20 THE COURT: Mr. Kinney?

21 MR. KINNEY: Your Honor, I'm doing my best to
22 try to understand. I have copies here. I don't like to
23 publish anything that's not evidence. I'm asking her
24 questions about it, in terms of trying to lay a foundation
25 before I show it to anybody. I thought the objection is

1 that I need copies that I need to show them to them. I
2 can't show it to them before it's admitted so which way --

3 MR. HUTTING: My objection is if he's trying to
4 lay a foundation, that's one thing. It sounds to me like
5 he's trying to cross examine her on the content of what's
6 in this chart that he's made up. And I do have an
7 objection to that until a foundation is laid.

8 MR. KINNEY: And laying the foundation, I showed
9 it to her --

10 THE COURT: All right. You can approach at this
11 point.

12 (At about 2:27 p.m., brief sidebar;

13 At about 2:29 p.m., back on the record.)

14 THE COURT: Go ahead, Mr. Kinney.

15 BY MR. KINNEY:

16 Q. Ms. Preston, what is it that I just handed you? What's at
17 the top?

18 A. You have titled it DNA summary chart.

19 Q. Okay. And is this the first time that you've seen it,
20 right now?

21 A. No, you showed it to me previously.

22 Q. Okay. And when I showed it to you did I ask you not to
23 take a look at it and see if it was in agreement with your
24 chart as opposed to the evidence that you found?

25 A. Yes, I told you that some of these statements, I felt,

1 could not stand alone; but given the proper explanation,
2 they needed some other wording with them.

3 Q. Needed some more wording?

4 A. Yes.

5 Q. Did you disagree with what was on here?

6 A. I did not -- The only thing that we discussed previously
7 was the fact that the statistics were listed underneath
8 reference items, where I felt that and stated that
9 statistics are performed on evidence items that are
10 received.

11 Q. And not on the individual?

12 A. Correct.

13 Q. All right. And that had to do with like Sam D is for Sam
14 Dantzler; correct?

15 A. Yes.

16 Q. Okay. I mean those statistics that I have here come from
17 your report. Do they look the same as the statistics in
18 your report?

19 A. My statistics are based on the hat rim cutting.

20 Q. Yes, assuming we don't get -- I'm getting to that. I
21 promise you that.

22 The first thing is the statistics itself, one in
23 two quadrillion is the statistic that's in your report;
24 correct?

25 A. For one population, yes.

1 Q. Okay. And that had to do with the hat rim; correct?

2 A. Yes.

3 Q. Okay. And the hat rim you call E what? E101a?

4 A. Yes. E zero 1a, yes.

5 Q. Okay. And it is true that -- that your statistics when it
6 came to E101a was one in two quadrillion?

7 A. Yes, for the African American population.

8 Q. Okay. What else did you not agree with?

9 A. I was confused by the first column which we had discussed
10 which we -- you said that the two means that there's just
11 two contributors; correct?

12 Q. That's what I got from what I was reading?

13 A. Okay.

14 Q. And is that correct?

15 A. Yes.

16 Q. It means that it was two contributors?

17 A. At least two contributors, yes.

18 Q. At least two contributors?

19 A. Yes.

20 Q. And at least one of the two contributors was named?

21 A. Yes.

22 Q. So you do agree with that?

23 A. Yes.

24 Q. Okay. And do you agree with that when it comes to the hat
25 rim and you've got three scrapings and I've got the same

1 thing under all three of them; at least two contributors,
2 at least one of those two were men?

3 A. Yes.

4 Q. And with respect to Mr. Dantzler in E -- what is that?
5 11a1?

6 MR. HUTTING: Which Mr. Dantzler now? The
7 Defendant here?

8 MR. KINNEY: Yeah, that's the one that I
9 represent.

10 MR. HUTTING: Well, yeah, but I mean there's
11 other people listed on here though that are also named
12 Dantzler.

13 THE COURT: Response, Mr. Kinney?

14 MR. KINNEY: Samuel Dantzler, Samuel Lee
15 Dantzler.

16 THE COURT: The objection was sustained, Mr.
17 Hutting.

18 MR. HUTTING: Thank you, your Honor.

19 BY MR. KINNEY:

20 Q. Is that correct, Ms. Preston?

21 A. Can you -- I'm sorry, can you repeat the question?

22 Q. Samuel D, who do you believe Samuel D is?

23 A. Samuel Dantzler, Senior.

24 Q. Okay. That's right, Samuel Dantzler, Senior.

25 A. Yes, sir.

1 Q. All right. And with respect to hat number one, which is
2 in your report, it's the first scraping, you have a
3 number, E11a1?

4 A. Yes.

5 Q. Is that right?

6 A. Yes.

7 Q. Is it correct where it says he cannot be included,
8 excluded, and this was taken on October the 19th of 2010?

9 A. Yes, due to the limited data obtained, he could not be
10 included or excluded as a possible contributor to the
11 minor DNA profile obtained.

12 Q. All right. And when I have NA, that's like there was no
13 testing done; right?

14 A. There was no comparison made.

15 Q. No comparison made, correct. So for Pat G or Pat
16 Grunewald, there was no comparison made; am I correct?

17 A. Correct.

18 Q. And then Michael D on my chart, I have no comparison made;
19 is that correct?

20 A. Correct.

21 Q. Okay. And when it comes to Samuel Lamare Dantzler, on my
22 chart, I've got no comparison made?

23 MR. HUTTING: See again, objection.

24 BY MR. KINNEY:

25 Q. Is that correct?

1 MR. HUTTING: We're talking about the content of
2 the chart. We're not laying a foundation for it; okay?
3 If we want to lay the foundation for it, then we can start
4 talking about the content and the results and get it
5 admitted and give it to the jury. But he's not laying a
6 foundation.

7 THE COURT: That's fair. I don't want to
8 confuse the jury, gentlemen. This is --

9 MR. KINNEY: I'm not trying to confuse the jury.
10 We can -- You know, let me have the chart then. Thank
11 you.

12 Okay. Now that I have the chart, your Honor,
13 and I'm not asking about my chart, let's just ask about
14 her chart.

15 BY MR. KINNEY:

16 Q. When it comes to Samuel Lamare Dantzler would it be
17 correct in saying that there was no comparison made?

18 A. To the hat that I tested, no.

19 Q. Am I still correct? Now that you don't have my chart in
20 your hand am I still correct?

21 A. Yes.

22 Q. Okay. When it comes to -- When it comes to Omarrow
23 Dantzler, was there no comparison made?

24 A. Not to the hat, no.

25 Q. Okay. When it comes to Bernard Hill was there a

1 comparison made?

2 A. Yes.

3 Q. And we're talking about the hat and -- I didn't want to
4 use Ellal, but I wanted to -- this is the first sample
5 that you scraped off the hat; correct?

6 A. Yes.

7 Q. So instead of putting it in your terminology, I want to
8 talk about the hat itself; okay? Where did this scraping
9 come off the hat?

10 A. The first --

11 Q. The first scraping?

12 A. -- was taken from an area I designated as one which was
13 from the interior of the hat as it was submitted to me.

14 Q. From the interior of the hat. Wait a minute, you didn't
15 make the scraping?

16 A. Yes, I did. From the hat one, as we're calling it, yes.

17 Q. You took the hat and the first scraping was from the
18 interior of the hat?

19 A. Yes.

20 Q. And then you made your comparisons on that particular
21 scraping?

22 A. Yes.

23 Q. Okay. And when you come to the results of your
24 comparison, you did not make a -- and you didn't do any
25 comparison when it came to Pat Grunewald, Michael

1 Dantzler, Samuel Lamare Dantzler, Omarrow Dantzler, you
2 didn't even make a comparison; correct?

3 A. No, I did not.

4 Q. Okay. But you did make a comparison with what you had
5 with regard to Samuel Dantzler, Senior; am I correct?

6 A. Yes.

7 Q. And he couldn't be included or excluded; am I correct?

8 A. From the minor component, yes.

9 Q. From that particular scraping?

10 A. Yes.

11 Q. Am I correct?

12 A. Correct.

13 Q. Okay. And when it comes to Mr. Hill, Mr. Bernard Hill, am
14 I correct in that he cannot be excluded?

15 A. Correct.

16 Q. So is that saying that he's included?

17 A. Yes.

18 Q. So out of that first scraping -- And Mr. Steward is
19 definitely excluded?

20 A. Yes.

21 Q. So out of that particular scraping, that first scraping of
22 the inside of the hat, you have included Mr. Hill -- his
23 DNA is there, is what we're saying; is that correct?

24 A. DNA consistent with him is there, yes.

25 Q. DNA consistent with him is there. Okay. But we can't say

1 that about anybody else at this particular time?

2 A. Correct.

3 Q. Including Mr. Dantzler, Senior?

4 A. Correct.

5 Q. When it comes to the second scraping of the hat, first
6 tell us where that scraping is from?

7 A. That scraping was from the interior rim of the hat as it
8 was submitted.

9 Q. Okay. Now the first scraping, you said, was from the
10 interior of the hat?

11 A. Yes.

12 Q. We're definitely in a different place than the interior
13 rim of the hat?

14 A. Correct. It was higher, more towards -- if you think
15 about the hat itself like this, it was more towards the
16 top where the interior rim was just -- as I received it,
17 it was folded over, so as it was received, the inside part
18 of the hat.

19 Q. Okay. Now that particular part of the hat, again Mr.
20 Grunewald, Michael Dantzler, Samuel Lamare Dantzler,
21 Omarrow Dantzler, there was no comparison made?

22 A. No, there was not.

23 Q. Okay. And when it came to Mr. Samuel Dantzler, Senior, he
24 cannot be excluded?

25 A. Correct.

1 Q. So then he's included in that DNA, that's similar to the
2 DNA that you had for Mr. Dantzler, was in the hat?

3 A. Yes.

4 Q. Same thing for Bernard Hill?

5 A. Yes.

6 Q. Am I correct?

7 A. You are correct.

8 Q. For the third scraping of the hat, where did that scraping
9 come from?

10 A. It came from the exterior rim of the hat, as it was
11 submitted. So it was folded up and then that small piece
12 that was folded up and over, I scraped that part.

13 Q. You say from the exterior of the hat?

14 A. Correct. So the piece that is folded over there, the
15 exterior, as it is folded up.

16 Q. Okay. At the bottom of the hat?

17 A. Not the interior part, the exterior, outside. I can point
18 and show you. Yes.

19 Q. Thank you.

20 A. So area two was this interior section here and the
21 exterior area three is this exterior part here.

22 Q. This is three?

23 A. Yes.

24 Q. And one is inside the hat, closer to the top?

25 A. It's marked.

1 Q. It's marked?

2 A. I circled this area right here as area one.

3 Q. That's area one?

4 A. Yes.

5 Q. All right. And area two is inside of the rim?

6 A. Yes.

7 Q. And this is area three?

8 A. Yes.

9 Q. The outside of the rim?

10 A. Yes.

11 Q. Thank you. And around area three you, your testing or
12 your comparison is there was no comparison with respect to
13 Pat Grunewald, Michael Dantzler, Samuel Lamare Dantzler,
14 Omarrow Dantzler, at all; am I correct?

15 A. Correct.

16 Q. Mr. Samuel Lee Dantzler, there's not much you could tell
17 us about Mr. Samuel Dantzler, Senior at all? We can't
18 exclude him, can't include him, nothing we can do?

19 A. Correct.

20 Q. With respect to Mr. Hill and Mr. Gerald Stewart, we can't
21 include them, can't exclude them, nothing we can do?

22 A. There's not enough information there to include or exclude
23 any other references we were given.

24 Q. Okay. So that means that with respect to that third
25 scraping, on the outside of the hat, can't tell us much

1 about that at all?

2 A. No, there's not enough information.

3 Q. With respect to the first scraping, when it comes to Mr.
4 Samuel Dantzler, Senior, not much you can tell us about
5 that either?

6 A. No, he -- He could not be included or excluded as a
7 possible contributor to the minor profile obtained from
8 the first scraping.

9 Q. Now with respect to what you call E05, but I call it
10 blood, that was found on the shaft of a golf club. You
11 have your report on that?

12 A. Yes.

13 Q. All right. With regard to Mr. Samuel Dantzler, Senior,
14 you didn't even make a comparison?

15 A. No, at the time this report was issued, I made a
16 comparison to the reference samples that we had.

17 Q. At the time that this report was made, you didn't have
18 Mr. -- a sample from Mr. Dantzler?

19 A. Senior?

20 Q. Yes.

21 A. No.

22 Q. Didn't have it?

23 A. Not on the June 25th, 2010 report.

24 Q. Okay. But October the 19th, you were working on this case
25 again?

1 A. Yes.

2 Q. And you didn't -- you didn't think to go back and take a
3 look at this with regard to Mr. Dantzler at that point?

4 A. The -- No, we were not asked to do that.

5 Q. Okay. So you don't have an opportunity to use your own
6 discretion as a chemical biologist?

7 A. I do. The individual associated with Bernard Hill could
8 not be excluded as a possible contributor to that profile
9 and again my statistics state the probability of that
10 profile being obtained. So they were consistent with Mr.
11 Hill and he could not be excluded as the possible
12 contributor to that DNA profile.

13 Q. Okay. So your expert opinion would be that you weren't
14 going to find Mr. Dantzler's DNA there anyway?

15 A. I did not make a comparison, no.

16 Q. Because you didn't think it was necessary, you wouldn't
17 find Mr. Dantzler, Senior's DNA there?

18 A. I was -- No, I didn't --

19 MR. HUTTING: I'm going to object because at
20 that point in time in June, she did not have the buccal
21 swab from Mr. Samuel Dantzler, Senior so she couldn't make
22 any comparison.

23 THE COURT: Response?

24 MR. KINNEY: I thought I was talking to her
25 about October when she did have the sample and why didn't

1 she make -- you know, go back and make a comparison when
2 she got Mr. Sam Dantzler Senior's buccal swab.

3 MR. HUTTING: I don't think that's what that
4 last question addressed to.

5 MR. KINNEY: I asked --

6 BY MR. KINNEY:

7 Q. Did I not ask you, correct me if I'm wrong, but I thought
8 that you indicated to us that when you did this particular
9 test in June, you did not have Mr. Dantzler's DNA; is that
10 correct.

11 A. Correct.

12 Q. You told us that just a few minutes ago; right?

13 A. Yes.

14 Q. Then did I not ask you, you had it in October?

15 A. Correct.

16 Q. Why didn't you go back and make the comparison? You
17 indicated that you weren't told to?

18 A. Well, this DNA profile is consistent with Mr. Hill.

19 Q. Okay. And that was after I asked you did you have any
20 discretion yourself?

21 A. Yes, I have discretion.

22 Q. Okay. And then you are indicating that the reason that
23 you did not go back and make the comparison is because in
24 laymen's terms you knew whose blood it was?

25 A. It's consistent with him, yes.

1 Q. It's consistent with Mr. Hill?

2 A. Yes.

3 Q. Okay. So that's why you didn't make the comparison; is
4 that correct?

5 A. Correct.

6 Q. The blood on what you call E06?

7 A. Yes.

8 Q. Did you do that as well?

9 A. Yes, I did.

10 Q. And you didn't make a comparison with respect to Mr.
11 Samuel Dantzler, Senior?

12 A. No, this DNA profile matches the DNA profile obtained from
13 Bernard Hill and the statistics were high enough to
14 support that, within a reasonable degree of scientific
15 certainty, it was Mr. Hill's DNA that was there.

16 Q. In that blood? It was his?

17 A. Yes.

18 Q. So you didn't see any reason to make any other comparison?

19 A. Correct.

20 Q. With regards to a grip swab that you received and you call
21 it E07?

22 A. Yes.

23 Q. Now do you -- Can you tell us exactly where that
24 particular swab came from?

25 A. No, the swab was submitted to us, like I said before, it

1 was submitted to us in a tube as a cutting.

2 Q. As a cutting?

3 A. Yes.

4 Q. A cutting from the grip?

5 A. Yes, that's what they -- the Michigan State Police

6 described it as, swabs of a grip on the shaft.

7 Q. Of a golf club?

8 A. I wasn't for sure where it had come from. It just said

9 swabs on the grip on the shaft.

10 Q. Okay. That means that the golf club wasn't sent to your

11 office?

12 A. No.

13 Q. And you couldn't make your own samples?

14 A. No, they submitted us a tube with cuttings in it.

15 Q. So they submit it to you, samples that were taken here,

16 and it was mailed to you?

17 A. Yes.

18 Q. So the evidence wasn't mailed to you?

19 A. Yes, we just received the swabs.

20 Q. Okay. And this particular comparison that you didn't have

21 any DNA sample or what purports to be the DNA of not too

22 many people at that time and that was in April and June of

23 this year; am I correct?

24 A. We did not get a DNA profile from that sample?

25 Q. In April? Well, I'm asking you.

1 A. From E07, no DNA profile was obtained.

2 Q. Is that correct?

3 A. Correct.

4 Q. So does that mean that you made comparisons?

5 A. To E07, no comparisons could be made because we were not
6 able to generate a DNA profile because there was no DNA
7 there.

8 Q. Okay. So what we're saying is that when you looked in
9 that particular swab that was sent to you, there was no
10 DNA in there?

11 A. Correct.

12 Q. Okay. And then EQ3 -- EQ8, I'm sorry, or E08; is that --

13 A. Zero.

14 Q. E zero eight. There was some DNA?

15 A. Yes.

16 Q. And it was at least two -- at least two different DNAs and
17 at lease one of those two was male?

18 A. Correct.

19 Q. Okay. And once again, there was no comparison made with
20 respect to Samuel Dantzler, Senior?

21 A. Correct. There was not enough information there to make a
22 comparison with any of the samples that we had received.

23 Q. Wait a minute. In E08?

24 A. Yes. Due to the limited -- due to the possibility of
25 allelic dropout, there was not enough DNA there in that

1 sample to make a comparison.

2 Q. The first thing that I'm going to ask you to do for me is
3 define allelic?

4 THE COURT: And I'm going to first ask that she
5 spell allelic, A-L-L-E-L-I-C, for Mrs. Bauer.

6 WITNESS PRESTON: Yes, A-L-L-E-L-I-C.

7 BY MR. KINNEY:

8 Q. Now can you define it for us?

9 A. Yes. The -- Each number represents an allele. So due to
10 the fact that there was not much DNA there, and there was
11 the possibility that DNA may have been there, it was just
12 below the level we could detect with our technology, no
13 comparison could be made between the alleles that we did
14 obtain, which are listed, as compared to the reference
15 samples.

16 Q. Okay. Well, did you not make a decision that with respect
17 to Pat Grunewald, Michael Dantzler, Sam Lamare Dantzler,
18 Omarrow Dantzler and Bernard Hill that they could not be
19 included or excluded?

20 A. Correct.

21 Q. You did make -- You did make that decision?

22 A. Correct.

23 Q. You can't include them and you can't exclude them?

24 A. Correct.

25 Q. But you didn't make a comparison at all with respect to

1 Mr. Samuel Dantzler, Senior?

2 A. No, I did not make any comparisons.

3 Q. So once again now, out of all of the testing that was done
4 by Bode Technology, that you did on behalf of Bode
5 Technology, you can't tell us who had that hat on January
6 the 16th of 2006?

7 A. No, I can't tell who had it on. I can only test certain
8 areas and generate DNA profiles from those areas.

9 MR. KINNEY: Thank you, Ms. Preston.

10 Thank you, your Honor.

11

12 RE-DIRECT EXAMINATION BY MR. HUTTING:

13 Q. Can you ever tell who had the hat on at such and such a
14 date? You can't tell that, period; can you?

15 A. No, we cannot.

16 Q. You can only tell us what your testing shows from the hat,
17 is that correct, or the items that you had?

18 A. Correct.

19 MR. HUTTING: Nothing further. I thank Ms.
20 Preston for coming.

21 MR. KINNEY: The same. Nothing further.
22 Thanks, Ms. Preston, for coming.

23 THE COURT: Ms. Preston, thank you for coming.
24 Nothing further.

25 WITNESS PRESTON: Thank you.

1 THE COURT: You may step down. You're excused.

2 Where are you flying back to?

3 WITNESS PRESTON: Washington, D.C.

4 THE COURT: Have a good flight.

5 (At about 2:57 p.m., witness excused.)

6 COURT CLERK: Raise your right hand, please?

7 Do you swear or affirm that the testimony you're
8 to give in the matter now pending before the Court will be
9 the truth, so help you, God?

10 WITNESS KAYE: I do.

11 NICOLE KAYE,
12 called as a witness at 2:57 p.m., having first been duly
13 sworn by the Clerk of the Court, was examined and
14 testified on her oath as follows:

15 COURT CLERK: You may be seated.

16 THE COURT: Please make yourself comfortable.
17 Pull that microphone, it's pliable, so adjust it and speak
18 loudly and clearly for the jury; okay? Thank you very
19 much.

20 Mr. Hutting.

21 MR. HUTTING: Thank you.

22 THE COURT: You're welcome.

23

24 DIRECT EXAMINATION BY MR. HUTTING:

25 Q. May we have your name, your occupation and your area of

1 expertise, please?

2 A. Sure. My name is Nicole Kaye and I am a DNA analyst. I
3 work for the Metropolitan Police Department in Washington,
4 D.C., so my area of expertise is in DNA analysis.

5 Q. Okay. And how long have you been a DNA analyst for the
6 Metropolitan Police Department in Washington, D.C.?

7 A. Just over three years.

8 Q. Prior to being an analyst with the -- in your current job
9 where did you work?

10 A. Prior to working with Metropolitan Police Department, I
11 worked at Bode Technology in Lorton, Virginia.

12 Q. Okay. And for how long did you work for Bode?

13 A. Almost four years.

14 Q. And what did you do for Bode when you worked for them?

15 A. I was also a DNA analyst.

16 Q. Okay. How long have you been a DNA analyst, period?

17 A. Since 2003.

18 Q. So that's seven years, going on eight?

19 A. Yes.

20 Q. Okay. All right. Do you have any training or background
21 that assists you in doing this educational training or
22 background?

23 A. Yes, I earned a Bachelor of Science Degree in micro-
24 biology from Clemson University in South Carolina and then
25 after graduation, began work at Orchid Cellmark which is a

1 private DNA testing lab in Germantown, Maryland.

2 I received training while I was there. After
3 leaving Orchid Cellmark, I began work at Bode Technology
4 and I also received training from Bode. And then after
5 leaving Bode, I also received training from DC Police
6 Department.

7 Q. Okay. Have you done continuing education on top of all
8 that?

9 A. I have.

10 Q. Okay. And did you bring with you here today a -- what's
11 known as a curriculum vitae?

12 A. I did.

13 PEOPLE'S EXHIBIT 33 MARKED

14 FOR IDENTIFICATION

15 BY MR. HUTTING:

16 Q. Okay. Showing you what the court reporter has marked as
17 People's proposed exhibit number 33, can you identify that
18 for us, please?

19 A. Yes, this is my CV.

20 Q. Okay. And it's approximately two full pages in length and
21 then there's a few lines on the third page; is that
22 correct?

23 A. Yes.

24 Q. Okay. And does that go through and list all the training
25 and work that you've done since becoming -- since

1 graduating in the field of microbiology?

2 A. Yes.

3 Q. Okay. All right. Have you ever testified in court
4 before?

5 A. I have.

6 Q. About how many times prior to today?

7 A. Four.

8 Q. Have any of those ever been here in Michigan?

9 A. Yes.

10 Q. How many?

11 A. One.

12 Q. Okay. What other states have you testified in?

13 A. I've also testified in the Superior Court of the District
14 of Columbia.

15 Q. Okay. So three times there and once here in Michigan?

16 A. That's correct.

17 Q. Okay. Each time that you have come to offer your
18 qualifications as a DNA analyst in the field -- in the
19 field of DNA, have your qualifications as an expert been
20 accepted?

21 A. Yes.

22 Q. Have you even put together a publication?

23 A. I have. I co-authored an article that was published in a
24 newsletter for one of our manufacturers that does -- that
25 makes the amplification kits that we use in our DNA

1 testing, and it was regarding a software program that they
2 created to help in validation which is sort of experiments
3 that you do as a lab starting out to make sure that the
4 testing process that you're going to use is reliable.

5 MR. HUTTING: Okay. Your Honor, in terms of her
6 qualifications to testify here as an expert, I'm going to
7 submit her to Mr. Kinney for voir dire.

8 THE COURT: Thank you, Mr. Hutting.

9 Mr. Kinney.

10

11 VOIR DIRE EXAMINATION BY MR. KINNEY:

12 Q. You went to Clemson?

13 A. I did.

14 Q. Okay. I'm going to irritate you right now because I went
15 to the University of South Carolina?

16 A. Oh, no.

17 Q. Go Gamecocks. Go Gamecocks.

18 MR. KINNEY: I have no further questions, your
19 Honor. I have no objection to her qualifications.

20 THE COURT: Didn't Michigan just beat Clemson in
21 the ACC Big Ten Challenge --

22 MR. KINNEY: Yes, they did.

23 THE COURT: -- in basketball and get to the NCAA
24 -- in the NCAA tournaments two years ago?

25 Do you know?

1 WITNESS KAYE: I don't know.

2 MR. HUTTING: I think it's been a while since
3 Michigan basketball has been in the NCAA tournament,
4 Judge.

5 THE COURT: Two years.

6 MR. HUTTING: Two years. The Spartans are
7 different.

8 THE COURT: Well, having attended Michigan State
9 and Michigan, I kind of root for both teams.

10 Ma'am, I have a question for you.

11 WITNESS KAYE: Sure.

12 THE COURT: What Michigan court did you testify
13 in front of?

14 WITNESS KAYE: It was Wayne County. It was --
15 It was in the courthouse that's across the street. I
16 don't know what --

17 THE COURT: The district court?

18 WITNESS KAYE: Yes.

19 THE COURT: 36th District Court?

20 WITNESS KAYE: I believe so, yes.

21 THE COURT: Remember the judge?

22 WITNESS KAYE: I don't remember the judge.

23 THE COURT: You don't remember the judge?

24 WITNESS KAYE: No, I don't.

25 THE COURT: Go ahead, Mr. Hutting.

1 MR. HUTTING: Do you remember the prosecutor?

2 WITNESS KAYE: I believe it was Angela

3 Povilaitis.

4 MR. HUTTING: May I proceed?

5 THE COURT: It was a 36th District Court judge.

6 I understand. Go ahead.

7

8 DIRECT EXAMINATION BY MR. HUTTING (Continued):

9 Q. Let's go back to June 2007. Where were you working as a
10 DNA analyst then?

11 A. I was at Bode Technology.

12 Q. Okay. Did you at Bode Technology ultimately receive a
13 cutting from the hat rim from the Detroit Police
14 Department to do some work on?

15 A. Yes, I did.

16 Q. Okay. So you were the one that actually did the first
17 work on the cutting from this hat?

18 A. I believe so, yes.

19 Q. Okay. All right. What did you do then with that initial
20 cutting that you got from this hat?

21 A. I performed DNA analysis on that cutting.

22 Q. Okay. Tell us what you did with it.

23 A. So DNA analysis is basically a four-step procedure. So I
24 started with DNA extraction which is a process in which
25 the DNA in a sample is separated from the other cellular

1 material that could be in that sample. So after
2 extraction, I end up with a tube of purified DNA
3 potentially.

4 Following extraction, I determine how much DNA I
5 have in the sample, which is called quantitation. After
6 quantitation, I amplify the DNA or I make many copies of
7 the pieces of DNA that are there.

8 Following amplification, it's a step known as
9 separation and detection. So after the copies of DNA are
10 made, they're separated on an instrument and that
11 instrument also detects the pieces of DNA that are
12 present.

13 And then I eventually get to a point where I can
14 analyze that data.

15 Q. Okay. And did you do that in this case?

16 A. I did.

17 Q. And did you ultimately write a report?

18 A. I did.

19 Q. Okay. Did you have also reference samples to compare
20 against the hat, against the cutting that you made in the
21 DNA profile that you got from the hat?

22 A. I did have reference samples, yes.

23 Q. Okay. Those reference samples were sent to you ultimately
24 by the Detroit Police Department?

25 A. That's correct.

1 Q. Okay. And what reference samples did you have in June of
2 2007 to make the comparison against?

3 A. May I refer to my notes, please?

4 MR. HUTTING: Yes.

5 THE COURT: Sure.

6 MR. HUTTING: Far as I'm concerned.

7 MR. KINNEY: No objection.

8 A. I received known samples from Patrick Grunewald and
9 Bernard Hill.

10 BY MR. HUTTING:

11 Q. Okay. And the reference sample that you got from Bernard
12 Hill was more than one; is that correct? Or one?

13 A. Yes. That's the description based on the description from
14 the submitting agency, yes.

15 Q. Okay. All right. And you got a buccal swab, or the
16 reference on Mr. Grunewald was a buccal swab; right?

17 A. Yes.

18 Q. Okay. Now did you, after you performed all your analysis,
19 I mean you wrote a report?

20 A. I did.

21 Q. Did you also make out a chart?

22 A. I did.

23 Q. Okay. All right. Let me show you -- I'll get this
24 marked.

25 PEOPLE'S EXHIBIT 34 MARKED

1 FOR IDENTIFICATION

2 BY MR. HUTTING:

3 Q. Showing you People's proposed exhibit number 34, Ms. Kaye,
4 can you identify People's proposed exhibit number 34,
5 please?

6 A. Yes, this is table one and table two from my DNA report
7 that I prepared.

8 Q. Okay. And is this the chart that you made out also?

9 A. It is.

10 Q. Okay. Does this accurately describe, in terms of numbers
11 and statements, the findings that you had when you
12 compared the known samples of DNA from Patrick Grunewald
13 and Bernard Hill against the cutting and the DNA that you
14 extracted from the cutting on the hat?

15 A. Yes.

16 MR. HUTTING: Okay. Move to admit People's
17 proposed 34?

18 MR. KINNEY: No objection, your Honor.

19 THE COURT: Offered and received.

20 MR. HUTTING: Okay.

21 PEOPLE'S EXHIBIT 34 ADMITTED

22 INTO EVIDENCE

23 MR. HUTTING: Again, I believe that we have one
24 for the Court.

25 BY MR. HUTTING:

1 Q. Okay. If we look at your chart, let's start -- Can you
2 see it also?

3 A. I can, yes.

4 Q. Okay. Let's start from the left here. You have an item
5 that's described in the end as E01a1. Could you tell me
6 what that is, please?

7 A. That is the DNA profile that I obtained from the hat
8 cutting.

9 Q. Okay. So if we mark that DNA profile from the hat
10 cutting, that would be accurate?

11 A. Yes.

12 Q. Okay. Let's do it. Let's move to the middle chart. What
13 is that please?

14 A. That is the DNA profile that I obtained from the reference
15 sample from Patrick Grunewald.

16 Q. Okay. That's designated R02a1; right?

17 A. That's correct.

18 Q. Okay. Let's put Ref Sam/Pat Grunewald; how's that?

19 A. Sure.

20 Q. And then finally over here on the far right, as you look
21 at it, where it's designated R03a1, what is that, please?

22 A. That is the DNA profile that I obtained from Bernard
23 Hill's reference.

24 Q. Okay. And we'll mark that Ref Sam/Bernard Hill.

25 Okay. All right. Let's cut to the chase: What

1 are your ultimate conclusions about the reference sample
2 from Bernard Hill against the cutting -- original cutting
3 that you took?

4 A. My results from the cutting shown here --

5 MR. KINNEY: I'm only objecting to the cutting
6 that she took. I don't think that was the testimony.

7 MR. HUTTING: She -- Yeah.

8 BY MR. HUTTING:

9 Q. This is the first cutting that you got from the Detroit
10 Police Department?

11 A. That's correct.

12 Q. All right. And you analyzed that; is that correct?

13 A. I did, yes.

14 Q. Okay. What are your results of that first cutting that
15 you got compared to Bernard Hill, known reference sample.

16 A. I determined that a mixture DNA profile was obtained from
17 the hat and it includes a male contributor and then I
18 further concluded that the individual associated with
19 Bernard Hill's reference sample cannot be excluded as a
20 possible contributor to that mixture.

21 Q. Why do you say he cannot be excluded as a possible
22 contributor to that mixture?

23 A. Because at all of the locations where I felt confident
24 that I was obtaining all of the DNA results that were
25 present at that location, Mr. Hill's -- the alleles from

1 his known sample are also in the DNA profile in the hat.

2 Q. How many of the 13 loci did that occur at?

3 A. Nine.

4 Q. Nine out of the 13. Which ones are they on here? And I'm
5 going to put a red mark next to it.

6 A. The are the first locus which is D3.

7 Q. Okay.

8 A. The second, vWA.

9 Q. Okay.

10 A. FGA.

11 Q. Okay.

12 A. D8.

13 Q. D8S1?

14 A. Yes.

15 Q. Okay.

16 A. D5.

17 Q. Okay. That's where it's 12, 12? Is that the one?

18 A. Correct.

19 Q. Okay.

20 A. D13.

21 Q. Okay.

22 A. TH01.

23 Q. TH01?

24 A. Yes.

25 Q. T-H-0-1?

1 A. T-H-0-1.

2 Q. Okay.

3 A. TPOX.

4 Q. TPOX.

5 A. And CFF.

6 Q. Okay. Let me just go back to D5 and ask you this: In the

7 sample from the cutting, there's a 12, 13; right?

8 A. Yes.

9 Q. Okay. Over here with Bernard Hill, there's a 12, 12?

10 A. Yes.

11 Q. Okay. Why do you say that that's Bernard Hill there?

12 A. I'm not saying that that's Bernard Hill.

13 Q. Why do you say?

14 A. I'm saying that because the DNA profile from Bernard Hill

15 shows the twelve allele there, and there's a twelve

16 showing in the DNA profile from the hat that I cannot

17 exclude him from that.

18 Q. Okay. All right. What conclusions did you draw

19 concerning Bernard Hill in terms of your statistics?

20 A. So I performed a combined probability of inclusion.

21 Q. Okay.

22 A. As well as a combined probability of exclusion.

23 Q. Okay.

24 A. The combined probability of inclusion shows the proportion

25 of potential donors in the population that could have

1 contributed their DNA to that mixture.

2 Q. Okay. Is that this line right here?

3 A. It is.

4 Q. Okay. All right.

5 A. The combined probability of exclusion estimates the

6 percentage of the population that is excluded as a

7 potential donor to that mixture.

8 Q. And that would be the second line over here?

9 A. Correct.

10 Q. The further line to the right. All right. In terms of

11 Patrick Grunewald what conclusion did you reach in the

12 reference sample that you got?

13 A. I determined that Patrick Grunewald can be excluded as a

14 contributor.

15 Q. So he was excluded?

16 A. Yes.

17 Q. And why is that? Where would you point on here, to this

18 middle column, where the reference sample of Patrick

19 Grunewald is, what are the ones that exclude Mr.

20 Grunewald, comparing that with the reference sample?

21 A. If you look at the first location, D3.

22 Q. Yep.

23 A. In Patrick Grunewald's known sample, there's a 14, 16.

24 There's no 14 in the DNA profile obtained from the hat?

25 Q. Okay. I'm going to mark EX there. Go ahead.

- 1 A. If I look at D8.
- 2 Q. D8?
- 3 A. It's right underneath the X, Y's.
- 4 Q. Oh, yeah. Okay. All right.
- 5 A. Yeah. There is no ten present in the DNA profile from the
- 6 hat.
- 7 Q. All right. I'll mark an EX there.
- 8 A. The next one, D21, the known samples are 28, 30, and the
- 9 profile obtained from the hat is a 29.
- 10 Q. Okay.
- 11 A. The next one D18, the known sample is 16, 19. There's no
- 12 19 in the DNA profile obtained from the hat from that
- 13 location.
- 14 Q. We'll mark X's in those two. Okay.
- 15 A. At D13?
- 16 Q. Okay.
- 17 A. There's no nine allele in the DNA profile from the hat.
- 18 Q. Mark an EX there.
- 19 A. At D16, the known sample was an 11, 13, and the profile
- 20 obtained from the hat is a 10, 12.
- 21 Q. Mark an EX there.
- 22 A. The next location, TH01, there is no six allele in the DNA
- 23 profile obtained from the hat.
- 24 Q. Marking the X there.
- 25 A. The next one, TPOX, there's no eight allele present in the

1 DNA profile from the hat.

2 Q. I'll put an EX there, too. And that's it?

3 A. That is.

4 Q. Okay. So there's just a whole number of loci that
5 excluded Patrick Grunewald from being the contributor to
6 the cutting from the hat; is that correct?

7 A. Yes.

8 Q. Okay, all right.

9 MR. HUTTING: Thank you very much. Submit for
10 cross.

11 THE COURT: Mr. Kinney.

12 MR. KINNEY: Thank you.

13

14 CROSS EXAMINATION BY MR. KINNEY:

15 Q. First of all, good afternoon.

16 A. Good afternoon.

17 Q. This work was done -- Okay. I see in your curriculum, the
18 CV's got Nicole Kaye, so congratulations for being Nicole
19 Yannacone; okay?

20 What work did you do with regards to Mr. Samuel
21 Lee Dantzler, Senior? Did you have any work to do with
22 respect to a sample from him?

23 A. No.

24 Q. Okay. And you work for the police department now?

25 A. Yes, Metropolitan Police Department.

1 Q. Metropolitan Washington?

2 A. Yes, D.C.

3 Q. Okay. And before then, you worked for Bode?

4 A. That's correct.

5 Q. Okay. And are you being paid for today?

6 A. No, I'm not.

7 Q. You have to pay your own way here?

8 A. I did not pay for my travel, no.

9 Q. Okay. But Bode is not paying you for -- This is -- Bode
10 considers this part of your salary when you were working
11 for Bode?

12 A. That's correct.

13 Q. Okay. Do you know what kind of contract Bode Technology
14 had with the Detroit Police Department?

15 A. I don't know the extent of the contract.

16 Q. In terms of payment?

17 A. No.

18 Q. Do you know if there's a contract with the Michigan State
19 Police Department back in 2008?

20 A. I don't know the specifics of the contract that Bode had.

21 Q. Okay. Were you paid salary-wise back in 2008?

22 A. Yes, I was.

23 Q. And how much was your salary back in 2008?

24 A. Actually in 2008, I was employed by the Metropolitan
25 Police Department.

1 Q. And you were doing this at Bode?

2 A. This was 2007.

3 Q. I'm sorry, 2007. 2007, do you remember?

4 A. I don't recall my salary from then.

5 Q. From 2007? It was definitely more than the
6 court-appointed fee of 150 dollars.

7 A. It was more than 150 dollars, yes.

8 Q. Okay. Have you ever worked for a Defendant in a
9 court-appointed situation?

10 A. I've been called by the defense to testify, yes.

11 Q. In a court-appointed situation where you were being paid
12 by the court because the Defendant didn't have enough
13 money to retain you?

14 A. I don't believe I've worked a situation quite like that,
15 no.

16 Q. Okay.

17 MR. KINNEY: I've got nothing further, your
18 Honor. Thank you.

19

20 RE-DIRECT EXAMINATION BY MR. HUTTING:

21 Q. So part of your testimony that you've given, in the past,
22 you've been called by the defense to testify?

23 A. I have, yes.

24 Q. And you came to court and testified?

25 A. I never actually had to go to court but I have been called

1 by defense.

2 Q. Okay. What did you have to do in that situation where you
3 were called by defense?

4 A. I had attorney/witness conferences, pretrial preparation
5 with the attorney, but it ultimately never ended up going
6 to trial.

7 Q. Okay. And when you were called by the defense did you say
8 oh, no, I'm not going to testify or tell you what I know
9 or what I did? Or did you cooperate with them to the best
10 of your ability?

11 A. I cooperated.

12 Q. Okay. All right. You indicate that you're working for
13 the Metropolitan Police Department today?

14 A. I am.

15 Q. Okay. So you said you're not being paid today. What did
16 you mean by that?

17 A. I'm being paid my regular salary from the DC Police
18 Department. I'm not obtaining any expert fee or anything
19 like that from Bode or Michigan.

20 Q. Okay. And in order to come here today and to testify did
21 you have to obtain permission ultimately from your
22 superiors in Washington, D.C., to do that?

23 A. I did.

24 Q. And they gave you permission to come here and testify to
25 what you did and what you know in this case; is that

1 correct?

2 A. That's correct.

3 Q. Okay. Because you're being paid by the Metropolitan
4 Police Department does that change your testimony in any
5 way?

6 A. No.

7 Q. It is what it is?

8 A. That's right.

9 MR. HUTTING: Thank you very much.

10 THE COURT: Mr. Kinney.

11 MR. KINNEY: No, nothing further, your Honor.
12 Thank you.

13 THE COURT: May Ms. Kaye step down and be
14 excused?

15 MR. HUTTING: Yes, she can.

16 MR. KINNEY: Only if you say so, your Honor.

17 MR. HUTTING: On behalf of the People, yes, I
18 don't have any objection to that.

19 THE COURT: Have a safe trip back.

20 THE WITNESS: Thank you.

21 THE COURT: You're welcome.

22 MR. HUTTING: Want to approach?

23 THE COURT: Yes.

24 (At about 3:25 p.m., brief sidebar;

25 At about 3:26 p.m., back on the record.)

1 THE COURT: Mr. Hutting, after a side bar
2 conference, it's my understanding the People have one more
3 witness; is that correct?

4 MR. HUTTING: Yes.

5 THE COURT: And we cannot conclude that witness
6 today; correct?

7 MR. HUTTING: Probably not, no.

8 THE COURT: Okay. Ladies and gentlemen, we've
9 concluded for today. The lawyers have told me side bar,
10 and keep in mind that sometimes cases go a little longer
11 than what's expected or anticipated, but I think there's a
12 good chance we'll be completing the proofs tomorrow; is
13 that correct, gentlemen?

14 MR. HUTTING: Certainly hope so, Judge.

15 MR. KINNEY: Yes, sir.

16 THE COURT: Okay. So I thought I'd impart that
17 to you. So --

18 You have given me jury instructions and verdict
19 forms to review, gentlemen; is that right?

20 MR. HUTTING: Jury instructions. We'll have a
21 verdict form in the morning for you.

22 MR. KINNEY: Yes.

23 THE COURT: Okay, thank you much.

24 So good night. Don't discuss the case. Wear
25 your badges. I'll see you tomorrow morning at 8:55.

1 DEPUTY SHERIFF: All rise for the jury.

2 (At about 3:29 p.m., jury panel excused.)

3 DEPUTY SHERIFF: You may be seated.

4 MR. KINNEY: Your Honor, I know we don't have
5 time to argue right now, but I just wanted to give the
6 Court and the -- Mr. Hutting, the cases that I'll be
7 relying on whenever you want to hear the argument.

8 THE COURT: Do you have them for me?

9 MR. KINNEY: I'll have copies of them for you in
10 the morning but I just wanted to get a cite. I'm sorry, I
11 should have had them right now. I'm upset about that.

12 THE COURT: You know, Mr. Kinney, I don't know
13 with the holiday schedule and my docket and we're running
14 late on this trial, I don't know how new these cases are
15 that you're going to present me with. I'm preparing for a
16 Wednesday and Thursday docket right now. I'm taking
17 things home that were just presented to me today.

18 MR. KINNEY: I saw that.

19 THE COURT: I have media coming in.

20 MR. KINNEY: I'm certain you have already read
21 these cases but it just talks about the destruction of
22 evidence that may be exculpatory which I was arguing
23 before.

24 THE COURT: Sure.

25 MR. KINNEY: The lead case Moldowan versus City

1 of Warren found at 578 F3rd 351.

2 THE COURT: Well, have them for me tomorrow
3 because I'm deluged with stuff to take home tonight; okay?

4 MR. KINNEY: Yes, sir.

5 THE COURT: And I'll get them on my lunch and
6 take them home or whatever I have to do. If you can
7 present me with a copy, that will facilitate my review.

8 MR. KINNEY: I'll bring you the page number.
9 I'm talking about 385.

10 THE COURT: Whatever you'd like to present me
11 with, I'll read. Cancel my lunch plans tomorrow, I'll
12 read cases.

13 MR. KINNEY: You shouldn't have to do any of
14 that. We should be through by that time.

15 THE COURT: If I'm familiar with the cases, that
16 will facilitate things. Present me with whatever you
17 think I should read, I'll be happy to do it.

18 MR. KINNEY: Thank you. We'll have it in the
19 morning.

20 THE COURT: In response to Mr. Dantzler's
21 remarks from earlier: Mr. Dantzler, I hope I have your
22 attention here since you're the one that raised the issue;
23 okay?

24 On November 24th, 2010, first of all the history
25 of this case, this case is among one of the oldest cases

1 on my docket. There's been multiple delays so that there
2 could be DNA testing. I always try to assist both sides
3 however I can; okay? Whether it's an investigator, order
4 for independent expert, DNA expert which I signed November
5 24th, 2010 in this case, after we had had months ago
6 discussions about DNA testing and everything else, a
7 request was made by Counsel for the Defendant, Mr. Kinney,
8 who is always very thorough and very professional to have
9 Ann E. Chamberlain, an independent DNA expert, appointed
10 regarding the above-captioned case, case 10-3521-01,
11 People versus Samuel Dantzler.

12 It was hereby ordered that Ann E. Chamberlain,
13 an independent DNA expert, shall be appointed to the
14 above-captioned case. It is further ordered that Ann E.
15 Chamberlain, the independent DNA expert, should be
16 compensated by the state as per their fee schedule for
17 such expert services due to Defendant's indigency; okay?

18 I just wanted to put that into the record. And
19 before that, I had indicated to both sides let me know how
20 I can be of assistance, I'm willing to assist both sides
21 in any way you deem constructive.

22 So that's the history of the case. And again
23 this case is well over time standard and the projection
24 for the case is beyond what you gentlemen projected. But
25 as I indicated at the outset, there'd be no rush to

1 judgment, nor has there been, we'll take as much time a
2 necessary to complete this trial.

3 Mr. Hutting, one more witness remains for the
4 People?

5 MR. HUTTING: Yes, your Honor.

6 THE COURT: And who is that?

7 MR. HUTTING: A Sergeant Clark. I believe that
8 there'll be -- I'm hoping there'll be three stipulations
9 that will obviate the need for calling three more
10 witnesses.

11 THE COURT: Mr. Kinney, have you discussed the
12 possible waivers? Is that because their testimony would
13 be deemed cumulative?

14 MR. HUTTING: No, it won't be cumulative, Judge,
15 it's additional. We're talking about the fingerprint
16 person, Marcia McCleary who analyzed the fingerprints that
17 Stinson took from the scene and compared them against a
18 whole bunch of people. We have a number of reports from
19 her. Then we have Mary Gross who got the golf clubs and
20 those items and put -- and superglued them for
21 fingerprints. And then we have the person from MSP
22 firearms who analyzed two casings that were found at the
23 scene and one more bullet. And we have his report. So
24 I'm hoping to get stipulations on those three things.

25 THE COURT: Mr. Kinney?

1 MR. KINNEY: I think we have them on those three
2 things and a stipulation with respect to the DNA of Mr.
3 Harry Henderson.

4 MR. HUTTING: Sure.

5 MR. KINNEY: That was found on one of the golf
6 clubs.

7 MR. HUTTING: Sure. We need copies of that
8 report, a clean copy of that report.

9 MR. KINNEY: I don't have a clean copy. I
10 got -- You sent me one copy. As I was reading it, I was
11 marking it as I was reading it.

12 MR. HUTTING: Is there writing on it or just
13 highlighting on it?

14 MS. O'ROURKE: It's not a report, it's your
15 memorandum.

16 MR. HUTTING: If there's just highlighting on
17 it --

18 MR. KINNEY: All we have is a memorandum, not a
19 report.

20 MR. HUTTING: I don't know what I did with my --
21 the other copy. So we'll xerox that. I don't have any
22 problem with putting that in; okay?

23 I'll xerox that. Hopefully it will wash out
24 most of the highlighting and I don't have any problem
25 stipulating to that and putting that in as an exhibit.

1 MR. KINNEY: But -- Okay. We can work it out.
2 The thing is I don't want Mr. Hutting's memorandum to be
3 the exhibit. I was looking for the -- I thought she wrote
4 you a letter, Ms. Katherine Maggie (phonetic).

5 MR. HUTTING: All I have --

6 MR. KINNEY: This is all you have?

7 MR. HUTTING: But I want the fact that the guy
8 is in prison and has been in prison.

9 MR. KINNEY: Yes, I want that, too. But I want
10 the report that -- where there was a DNA mixture off of
11 the golf club grips.

12 THE COURT: Well, gentlemen, discuss any issues
13 that will streamline the trial process; okay?

14 MR. HUTTING: Why don't we put both of them
15 together?

16 THE COURT: You've done a good job cooperating
17 where you can and I appreciate that.

18 Are the jury instructions pretty much in order
19 then?

20 MR. KINNEY: That's what we're talking about.
21 The cases that I'm going to bring to you is for a jury
22 instruction with respect to that.

23 MR. HUTTING: Put the two things together and
24 admit them.

25 THE COURT: So the next item of business will be

1 calling Mr. Clark; is that it?

2 MR. KINNEY: Yes.

3 THE COURT: And if we need to discuss any
4 issues, we'll do it after the People rest?

5 MR. KINNEY: Yes.

6 THE COURT: Okay, that's fine. I'll see you
7 tomorrow.

8 MR. KINNEY: Okay.

9 MR. HUTTING: Okay.

10 THE COURT: Everyone be on time please, ready to
11 go at 9:00.

12 (At about 3:43 p.m., proceedings concluded.)

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C E R T I F I C A T E

STATE OF MICHIGAN)

)

COUNTY OF WAYNE)

I, Becky L. Bauer, Certified Court Reporter of the
Third Judicial Circuit Court, Criminal Division, Wayne
County, State of Michigan, do hereby certify that the
foregoing 145 pages comprise a full, true and correct
transcript of the proceedings and testimony taken in the
matter of the People of the State of Michigan versus
SAMUEL LEE DANTZLER, on December 20, 2010.

Becky L. Bauer, CSR-3326

Official Court Reporter

Date: _____

1	INDEX TO EXAMINATIONS	
2		
3	Witness	Page
4		
5	P.O. DEBORAH STINSON	
6	DIRECT EXAMINATION BY MR. HUTTING:	5
7	CROSS EXAMINATION BY MR. KINNEY:	9
8	RE-DIRECT EXAMINATION BY MR. HUTTING:	11
9	REBECCA PRESTON	
10	DIRECT EXAMINATION BY MR. HUTTING:	13
11	VOIR DIRE EXAMINATION BY MR. KINNEY:	22
12	DIRECT EXAMINATION BY MR. HUTTING	
13	(Continued):	28
14	CROSS EXAMINATION BY MR. KINNEY:	75
15	RE-DIRECT EXAMINATION BY MR. HUTTING:	113
16	NICOLE KAYE	
17	DIRECT EXAMINATION BY MR. HUTTING:	114
18	VOIR DIRE EXAMINATION BY MR. KINNEY:	118
19	DIRECT EXAMINATION BY MR. HUTTING	
20	(Continued):	120
21	CROSS EXAMINATION BY MR. KINNEY:	130
22	RE-DIRECT EXAMINATION BY MR. HUTTING:	132
23		
24	(Index continued on Page 145.)	
25		

1 INDEX TO EXHIBITS

2

3 Exhibit Page

4

5 PEOPLE'S EXHIBIT 31 MARKED 21

6 PEOPLE'S EXHIBIT 32 MARKED 39

7 PEOPLE'S EXHIBIT 31 ADMITTED 40

8 PEOPLE'S EXHIBIT 32 ADMITTED 40

9 DEFENDANT'S EXHIBIT B MARKED 91

10 DEFENDANT'S EXHIBIT B ADMITTED 91

11 PEOPLE'S EXHIBIT 33 MARKED 116

12 PEOPLE'S EXHIBIT 34 MARKED 122

13 PEOPLE'S EXHIBIT 34 ADMITTED 123

14

15

16

17

18

19

20

21

22

23

24

25